Copy & Transl to accompany
Ack[d] & to mention note of Jan[y] 20 a
for indemnity
Legation of the U.S.
Dis 20
Japan July 6[th] 1873.
No 443
Gmn
4 Copies
C & Del Long
Minister.

The German Minister notifies the Japanese Government that he will no longer enforce the clause in the Treaty imposing a penalty upon German subjects for passing into the interior beyond treaty limits

J52499
R1244-18

No. 443 Legation Japan

July 5th 1873

Sir.

This morning I received a private note from my British Colleague (Enclosure No 1) enclosing a private note to him from Baron Von Brandt-our German Colleague (Enclosure No 2) with copy of an official note which he the German Minister has addressed to this Government relative to the subject of foreigners passing into the interior (Enclosure No 3)- 4/443 2/443 3/443

After making a copy for my files I returned the documents to the British Minister with a brief note containing an intimation of my views. (Enclosure No 4) 4/443

Mr Von Brandts note is not entirely clear

Hon Hamilton Fish

Secretary of State

Washington DC

clear in its statements as to the grounds upon which he bases his action. He does not inform us of the business relative to which the German subject in question desired to visit Kioto ~~Japan~~ upon; nor does he very clearly state what foreigners have been allowed to visit the interior which action he considers to have operated as a final waiver of the right of this government to exclude any who may apply from so doing.

From my own knowledge of affairs here and from expressions I have heard Mr Von Brandt let fall I infer that he alluded to foreigners in the employment of Japanese and to those people who last year and this year allowed under certain governmental regulations to visit Kioto on the occasion of the great fairs.

What my views may be after I hear from

from all of my Colleagues I cannot refrain
state but my present convictions are;
that the Japanese by employing foreigners
to make surveys, develop mines, attend
to agricultural and horticultural matters
&c, when such employment is actual
and not pretentious do not thereby cause
a failure of the stipulations contained in
the treaties giving all foreigners the right
when employed to visit the interior
thereof. Neither in my opinion does
the action of this Government in permitting
foreigners in the occasions to visit Kioto at
the time of the holding of the Fairs there
operated in any way to obviate those clauses
in the various treaties restricting foreign
residents from penetrating into the
country beyond the prescribed limits.

The officials of all governments having

treaties

treaty with Japan have not only
witnessed with apparent approval
the action of their authorities and people
in employing foreigners as assistants and
teachers in all branches of business
but many if not all have to some extent
encouraged such action in regard to
the people of their own country and for
their part we have all known that men
so employed have gone wherever invited
by their employers to go into the interior
Many Germans have thus been engaged
and until now it never has been mooted
so far as I have known that by doing
this the Japanese have opened a door
through which it could be claimed
that their country is open.

The act of allowing foreigners to visit
Kioto at certain seasons to visit the

Jains

Jan was a concession made alike to all; and hailed by all as a concession and a step in the right direction.

I greatly doubt the propriety and justness of now making use of these matters as a pretext for compelling this government to admit foreigners freely into the interior. I fear this government will regard this as an act of bad faith and that it will result more probably in the calling in and dismissal of all foreigners now employed, rather than in the end sought for to wit the hastening of the desired result of having the country thrown open. I fear that this act will not be sustained by the governments of the Western States, and that the Japanese will consider that

an

an attempt has been made to take an undue advantage of them and he more than ever disinclined to place confidence in foreigners.

In short my present opinion is that my German Colleague in the proceeding has made a gross mistake, an error that he would probably have avoided if he had conferred with his Colleagues before instead of after taking action.

He may however have explanations to offer that will prove entirely satisfactory. I have written you at once, that your views might be obtained at as early a date as possible, for the guidance of my successor who will probably find them one of the first questions of importance with which he will be called upon to deal.

I am Sir

Your most obedient Servt

Clerk de Leng.

List of Enclosures.

No 1. Note of Sir Harry Parkes

No 2. Do Von Brandt to Parkes.

No 3. Copy of Official note from
Von Brandt to Japanese Government

No 4. Do Long to Sir Harry Parkes.

Copy

Sunday Morning

My Dear Colleague

I received the enclosed note and copy of dispatch which it encloses and last evening from Mr. Van Brandt and I beg to send it on to you for perusal

after you have taken note of the subject I will send it over to Mr. Birthwy if you will kindly return it to me for the purpose

Yours very truly

Harry Parker

Copy

Diplomatic Mission
to
Japan.

Yedo
July 4th 1873

My dear Sir Harry

Enclosed I beg to hand you for your own and our Colleagues information a letter addressed by me on the 2nd inst to the Acting Minister for Foreign Affairs. The statement made to me by Mr Oyano on the 25th June is in my opinion such a gross breach of the existing treaty rights of foreigners that the I would have preferred to postpone my answer until I had had an opportunity of communicating with my colleagues I felt the necessity of protesting immediately against the principle announced by Mr Oyano. In my note I have drawn

Dann nothing but reproduced the language held by me on the 26th
Should you and our Colleagues
think the opportunity a favorable one
to bring the question of admission of
foreigners into the country to our
view. I shall of course shape my
action according to any jointly agreed upon

Will you kindly my dear Sir
Harry circulate the note with our
colleagues and let me know what
your opinion on the subject is.

Believe me
Yours very truly
C. F. Brandt.

c/my

To Hon Excellency ... Jeddo July 2nd 1868

Oyano
&c &c &c

In the conversation which I had the honor to have with your Excellency the 25th of June, I laid before you the request of a German subject to be allowed to visit Kiato for a few days. Although a large number of foreigners are with the permission of the Japanese Government residing in the interior of the country and although your Excellency agreed with me that the voyage of the said German subject was as important for the interest of the Japanese industry as it was for his own you nevertheless declared that the permission could not be granted and to my question as to the reasons of such a decision you replied that it was a principle of the Japanese

Government

Government to grant such permission only to foreigners in the service of Japanese and never to a foreign merchant. In the face of such a declaration from your Excellency I find myself obliged to protest against the action of the Japanese Government which is in contradiction with the letter and spirit of the treaties. I reminded your Excellency that I had more than once drawn your attention to the great importance the Imperial Government attached to the admission of foreigners into the country and that it had only been at the express desire of your Excellency that I had postponed a more thorough discussion of the question until the return of the Embassy. I further pointed out that in the permission granted by the Japanese Government to foreigners to visit the interior of the country I had thought to see a symptom of the conviction

foreign ots may arise into the minds of the
government that the present system of exclusion
could not be maintained and that
therefore I had with pleasure observed
these exceptions from the rule, but that
from the moment the Japanese Government
claimed as a right to admit or exclude
from the interior whole categories of
foreigners according to its own judgment
I must claim for every German the
privileges which resulted to them from
the stipulations of the treaties and the
action of the Japanese Government; that
under the circumstances I had to declare
that I considered the Article of the
German Japanese treaty stipulating
a fine for Germans deposing the
treaty limits as no further applicable
to Germans and that I was ready to
discuss with Your Excellency the details
of the admonition of the Germans I could
not regard such admonition as dependent
upon the result of further negotiations

but
~~But~~ as a right having devolved
upon them already; by the action
of the Japanese Govt. I in repeating to
Your Excellency merely in writing what
I had the honor to state verbally on
the said occasion I have the honor
to request you kindly to bring my
declaration to the knowledge of the
Council of State

sgd H. Brandt.

2/4

U.S. Legation Japan
Yokohama July 6th 1873

My dear Sir Harry

Herewith Mr Van Brandts draft and private note. He has boldly opened a very important subject:

Success would be a very great triumph, defeat; would give progress in Japan a very great set back

It seems to me that it is very late to call for a consultation after action has been taken officialy with the Japanese, upon any subject.

Consultation now, could mean nothing else than for us to conform to his views, and co-operate in his action; or to embarrass him, and strengthen the opposition, by a dissent with or without co operation with the Japanese. If I am consulted I prefer always to be so consulted

before

U. S. Legation Bern

C. C. De Long
Minister

No 443

4 Enclosure

The German Minister notifies the Japanese Govt that he will no longer enforce the clause in the Treaty imposing a penalty upon German subjects for passing into the interior beyond treaty limits.

Legation of Japan
Bern
Clauss Secy
de Long.

Before action is taken, Mikado
upon this?

Sub

Mr Bingham
Mr Hayward

U.S. Legation Yokohama

Japan July 6th 1873

No 444

From

C. E. De Long

U.S. Minister

Contents.

Notice of Drafts for Salary: forwarding vouchers &c. Some remarks as to previous accounts.

DEPARTMENT OF STATE
RECEIVED
AUG 7 1873

No 444 Legation Japan

July 6th 1873

Sir

I have the honor to advise you that on the 30th ult. I drew upon Messrs Louis Habicht & Co. of London a draft for the sum of £619. 16. 4) Six Hundred and nineteen pounds Sixteen Shillings and four pence. which draft I sold to Messrs Walsh Hall & Co. for the sum of Two Thousand three Hundred and Fifty Four 81/100 Dollars. as per Exchange Voucher herewith (Enclosure No 1) 444

Also upon the same day I drew a draft upon you for the further sum of ($272.28/100) Two Hundred and Seventy Two 28/100 Dollars, which draft I sold to the same Messrs Hamilton Fish merchants

Secretary of State

Washington D.C

Merchants for the sum of Two Hundred
and Sixty Five 19/100 Dollars, making a
total net amount remitted for both drafts
by me of Three Thousand Dollars. The same
being for salary for quarter ending that
2/4 44 date. (Exchange Voucher No 2)

I also enclose herewith Statement of
3/4 44 Account to that date. (Enclosure No 3)
Also an account of the Contingent
Expenses for the same quarter amounting
to the sum of One Hundred and Eighty
4/4 44 Seven 25/100 Dollars. (Enclosure No 4)
Which account is supported by five
vouchers also enclosed. (Enclosure
5/4 44 No 5) — Having no credit with Mssrs
Chas Heatwicht & Co. for Contingent Expenses
I again left this demand undrawn for.

During the month of May last
I received a Letter from the First Comptroller

of

of the Treasury Department advising me that my accounts for Salary and Contingent Expenses had been revised to June 30th 1872 as per report No 69. 981. - In the statement I find myself charged with the following item "Drafts for Loss by Exchange paid "on vouchers yet received $163.18 and $25.80" "Total $420.99". - I have carefully examined all of my communications to you upon the subject of Salary and Contingent Expenses and I find that notice of every draft was accompanied by the Vouchers showing my Loss by Exchange. I feel very certain that I never failed to forward the required Vouchers and I also feel confident that a careful Examination of my dispatches will disclose the missing papers. - From the account rendered me I am wholly unable to understand what particular vouchers are missing

Respectfully

Mssrs Allmand & Co. to whom I formerly sold my drafts have left the Empire I therefore cannot obtain duplicates of these. Mssrs Walsh Hall & Co. whom I have recently negotiated my drafts with have promised to send me a Certificate showing dates and amounts of all drafts purchased by them of me, which if I receive in time I will enclose herewith as (Enclosure No 6).

6/444

This is all the proof I can offer except my own affidavit to which myself of this loss.

I am Sir Your Obdt Servt

C E De Long

List of Enclosures.

No 1. Exchange Voucher

No 2. Do

No 3. Statement of Account

No 4. Statement of Contingent Expenses

No 5. Five Vouchers for Expenditures

No 6. Certificate of Caleb Hall & Co

by Berdan

Legation of the United States

No 5 Yokohama Japan

July 7th 1875

C. de L. Berry

Secretary of Legation

To Department of State



Contents

Forwarding Salary account for quarter ending June 30th 1875.

Sents to Auditor

No 5 Legation of the United States

Yokohama July 4th 1878

Sir

I have the honor to forward herewith my Salary account for quarter ending June 30th 1878 (Enclosure no 1). Also vouchers for same 1/5- (Enclosure no 2 + 8) 2+3/5

Trusting these accounts may meet with your approval

I have the honor to remain

Sir

Your most obedient Servant

E. De L. Berry.

Hon Hamilton Fish

Secretary of State

Washington DC.

List of Enclosures

No 1 Statement of Salary account

No 2. Voucher for Same

No 3 Voucher for Loss by Exchange

Mr McCrum please compare this
with the duplicate dispatch on file

Mr Pedan &
Mr McCrum

DEPT. OF STATE
RECEIVED
AUG 7
1873
DIPLOMATIC BUREAU

U.S. Legation Japan

July 7th 1873

No 445

Sir

C. E. De Long

U.S. Minister

Contents.

Inclosing Dispatch No 46 of date
June 16th 1872. addressed by C. O. Shepard
Esq Chargé d'Affaires to the Department
of State of the United States.

No 445 Legation Yokohama

Japan July 7th 1873.

Sir.

In the volume of published diplomatic correspondence for 1872. appears a dispatch from Chas Shepard Esq. No 46. of date June 16th 1872. in relation to an audience granted by the Mikado to Rear Admiral Jenkins U S N.

In this dispatch Mr Shepard states in effect that H B M's Chargé d'Affairs Mr Watson, made an official demand to the effect that His Majesty the Mikado should arise when receiving him at an official audience: that as the Russian Chargé d'Affairs, the French Admiral and the American Admiral were all to

Hon Hamilton Fish &c

Secretary of State

Washington D C

be secured by His Majesty at nearly
the same time, that H.B. Majesty's representative
appealed to his French, Russian and
American Colleagues to sustain him in
his demand which he had made.

That all did as requested except Russia
that Power pursued an independent and
directly contrary course; the result of which
was that these Authorities were so gratified
that Admiral Jenkins was first received
and His Majesty as a compliment personal
to Mr Shepard and as a reward for the
magnanimous course he had pursued by
not joining in this offensive demand
arose from his House and received the
Admiral and Mr Shepard. Thus says
Mr Shepard in his dispatch "Through
"kind words a courtesy has been offered
"me, which threats and demands were
impotent

"important to effect."

Soon after my return from Washington I heard many mysterious whisperings with regard to this business, which led me to investigate the matter as well as I could. My records were dumb. No letter appeared of record from Mr Shepard to this government requesting the audience although there was one from this government to him (replying to a Note from him) granting the Admiral an audience and appointing the day and hour. Nothing was to be found of record showing who was named and presented by Mr Shepard as aide either to himself or the Admiral, or what was said at the audience either by the Mikado the Admiral or himself, as is usual. and you will observe by refering to his dispatch

addressed

addressed to you that he does not refer to any of these matters.

In reply to some enquiries which I addressed to a leading Japanese official some months since I was told that Mr Shepard in lieu of dissenting from the British Representative when he made the demand in question concurred in it and addressed this government a lengthy and highly offensive note upon the subject; stating what the rule of Etiquette was in such cases in European Courts, and concluding by a demand that Her Majesty should arise when Admiral Jenkins was prioritied. That the Minister for Foreign Affairs Mr Soyeshima the next day after receiving this offensive note met Mr Shepard at the Foreign Office and informed him that Her Majesty's government

was

was not then to be dictated to and wound up by telling him Shepard that on account of his youth and inexperience and also on account of his (the Minister's) kind personal feelings for him he would allow him to withdraw and destroy the offensive document if he chose to do so but that if he did not at once do so he would find himself at once involved in serious trouble, and that he Mr Shepard did at once receive back and destroy this note in the Foreign office in the presence of the Japanese Minister.

The official who gave me this information declined to allow me to make use of it in connection with his name on account of his kindly feelings for Mr Shepard. I was resolved however to prosecute my inquiries until

matter I should be able to submit to you such proofs as would satisfy you that Mr Shepard in his dispatch in question had wilfully misstated this business, sought and obtained false credit, placed his Colleagues in a false and unjust position and cruelly deceived you.

When the last volume of diplomatic correspondence reached him containing this false dispatch, the whisperings increased to murmurs and I felt called upon to renew my efforts to find out the facts of this case. With this purpose in view I called at the Foreign Office and requested to be supplied with copies of any and all correspondence on file there bearing upon this subject. - In reply I was handed first a Letter from Mr Shepard asking for

For the Audience (Enclosure No 1) — 1/45

This note is not of record in this Legation and bears a false number to wit-number 27. and is dated June 6th 1872. whereas no 27. in the record Book is a Note written by myself dated August 30th 1871. and relates to a wholly different subject.

Next I was furnished with a copy of the note from this Government to Mr Shepard in reply granting the Audience dated the 2nd of the 5th month 5th year Meiji. (Enclosure No 2) 2/45

Next I was furnished with copy of a Memorandum submitted by Mr Shepard naming the suite of the Admiral and himself (Enclosure No 3) by this you will observe that Mr Shepard fraudulently named and introduced one E H Howe, then a school teacher from 3/45

and

and special Correspondent of the New York Tribune to His Majesty the Mikado as Secretary of the United States Legation; whereas the Home at the time held no appointment of any nature whatsoever under the government of the United States.- I was also furnished with a copy of a Note from Admiral
4/4 45 Jenkins to this Government. (Enclosure No 4)
Copy of the address to the Mikado (Enclosure
5/4 45 No 5) Copy of His Majestys reply
6/4 45 (Enclosure No 6). Copy of Mr Shepard's
7/4 45 address (Enclosure No 7) and copy
of His Majestys reply to Mr Shepard
8/4 45 (Enclosure No 8) - None of these documents
being on file in this Legation or reported
to you by Mr Shepard. - Also I was
furnished with a copy of a record of
a conversation at the Foreign Office between

Mr

Mr Shepard and Mr Soyeshima on the
7th of the 5th month 1872. (Enc No 9) 9/445

In explanation of this I will state
that it is Japanese Custom at official
interviews to have a reporter present; that
at the interview in question one was
present who made a memo at the time
of what was said. by an examination
of this you will see that Mr Shepard
did write the Note demanding that His
Majesty should rise when receiving Rear
Admiral Jenkins, that it was explanation
in town and regarded by this Ministry as
being highly offensive; that it was
attested by the Minister for Foreign Affairs
Mr Soyeshima to Mr Shepard who
received it back, apologizing for having
forwarded it and destroyed it in the
Ministers presence by tearing it to
pieces

pieces. The note itself Mr Shipard failed to enter in the records of this Legation thus fraudulently suppressing this piece of evidence but I believe that a copy of it is in existence which I hope to be yet able to obtain. I also expect to be able to submit some further proofs to you in this same connection when His Excellency Mr Soyeshima returns from China and when Mr Watson formerly H.B.M.'s Chargé d'Affairs returns from Hakodada. I have called on Mr Butzow the Russian Chargé d'Affairs who informed me that Mr Shipard agreed with himself and others as to the propriety of the demand, but stated that as he had applied for the American Admirals audience previously he was not in a position to co-operate at that time

Mr.

My British Colleague Sir Henry Parkes has intimated to me that some correspondence is on file in this Legation which will go far to controvert Mr Shepard's statements in his published despatch to you which I can obtain when Mr Watson returns.

My French Colleague Count Jouvenel I have not yet spoken with about it. He leaves him by this mail and will visit Washington. If you desire to do so you can confer with him personally about the affair.—

My efforts have been directed for some time to prove to you satisfactorily that Mr Shepard kept false records when in charge of this Legation. That he wrote false despatches to you; and suppressed large portions of his correspondence both that forwarded from

from this Legation and that received here. I feel confident of being able to continue furnishing satisfactory Evidence of his entire unworthiness until he shall of necessity stand in his true light in your view and in that of our people as a wholly false dishonest and dishonorable man.

I am Sir
Your Obedient Servant
C E De Long

List of Enclosures

No 1 - Oath of Interpreter to Japanese Government asking audience for Admiral Jenkins

No 2 = Reply thereto of the Government

No 3. = Names of persons attending the audience in the suite of the Admiral and of Gov Shiga

No 4 – Letter of Admiral Jenkins.

No 5. – The Admirals Address to the Mikado

No 6. – His Majestys reply

No 7. Address of Mr Shipsant.

No 8. Reply of His Majesty.

No 9. Memorandum of interview between

Mr Sagoshima & Shipsant.

No 27. U. S. of America

Legation Head Quarters

Japan June 6th 1872.

Soyeshima Tanemi

H. I. J. His. Minister

for Foreign Affairs

Sir.

On monday next I shall leave here in the Flag Ship "Colorado" for Yedo for the purpose of presenting Rear Admiral Rodgers Commander in Chief of the U. S. Fleet in Japan Waters and claim to His Majesty the Tenno. Will Your Excellency name as early a day as possible for the presentation.

Wednesday next would be an exceedingly convenient. Kindly communicate

with

write me by telegraph or letter upon receipt of this as I should very much like to know the day set for presentation before leaving here.

What time will be convenient for the Admiral and myself to call at the Gamundao for the purpose of arranging the details.?

With highest respect Your obdt. Svt.

C. C. Shepard.

Charge d affaire.

Foreign office
Tokio the 2nd of the
5th month of 5th year Meiji

I beg to acknowledge the receipt
of your note dated the 6th June 1892
regarding the presentation of Rear Admiral
Jenkins Commander in chief of the U.S.
Fleet to his Majesty the Tenno of Japan.

In reply I beg to state that His
Majesty will grant Audience on the
8th day of the 5th month. (13th June) at
one o'clock in the Imperial Castle.

At the same time I beg to state
that I shall be agreable to see you
and Admiral in Yokohama on the
9th day of present month (12th June) at
ten o'clock for the purpose of arranging
the details. This you will be pleased
to communicate him.

H. Dalrymple. Esqr.
Charge d'affaires of
U.S.A. & Hawaii

Yoko respectfully
Saionji Kimmochi
H.I. Jap. Min. for F.A.

Navy Naval Engineer.

Rear Admiral	F. R. Jenkins
Lieutenant	J. A. Connelly
"	W. H. Emory.
Commandant.	Very
"	Lacy.
"	Baker.
Lieut.	Lorder.
Ensign	Walker
Major	Williams
Lieut-y Marine	Woodman
Chief Engineer	Preston
Surgeon	White
"	Wells
Engineer	Elston
Instructor	Thurston

Mr. Shepard.

Mr. Hanna Secretary to Legation

To His Imperial Majesty
The Tenno of Japan.

Your Majesty.

I have especial pleasure in the honor of this presentation. In Japan I behold a nation which having attracted the attention of the world in by gone ages is fast ranging itself under the banners of those institutions in which the European nations find wealth and power and advancement.

In this beautiful country and I know not where to find a more beautiful one, I must every where a kind and polite people, I find schools I find institutions for manufactures, I find Agriculture, the foundation of all progress fostered by Royal care. I hear of the hidden wealth laid up in mines in the beginning of the world at last dragged into the light of day and

made to contribute to the purpose
for which it was made.

I see a disciplined soldiery on every
side maintaining order and watching
over the repose of the Empire.
And I see steam fleets of war vessels
ploughing the sea in obedience to
orders, or the peaceful trader with
steam as a motor driving under Your
Majesty's flag into ship at speed in
the pursuit of gain.

I behold Japan in a year
accomplishing real progress such as
in Europe it took a hundred years
to accomplish.

I cannot but recognise in
the facts which I have narrated the rule
of a sovereign such as those who crowd
in European history as the great pow
of a country whose memory the future
inhabitants hold up to national
reverence and as an example for

future mutation.

I should be very happy if my experience in naval affairs be of any service to your affairs and I shall at all times hold myself ready to give any information they may ask

I deem myself may it please your Majesty especially gratified in the honor of an audience with such a Sovereign; an honor on which future generations will rely.

Reply of Admiral Pulleine.

Your Majesty.

I have sought the honor of this presentation upon my arrival in your country under orders from the President to command the United States Fleet in Asiatic Waters

As an officer of a power upon terms of cordial amity and concord with Japan it affords me profound pleasure to congratulate your Majesty upon the happy condition of Peace and prosperity which your country enjoys and in expressing the hope that your Majesty may live long for the glory and welfare of your people, I have the honor of uttering the friendly sentiment which my Government and country entertain toward you.

Royal remarks addressed to the Admiral.

We have the pleasure of greeting you for the first time.

Shortly after our Ambassador arrived in your country he visited your naval Head Quarters Station and has written back to us in the fullest detail the assurance of your fleets at anchor.

Your appearance to day has brought vividly to our mind his minute descriptions.

Remarks of Shufeldt
Charge d affairs of the U.S.

Your Majesty

It is with gratification
that I have the honor to present to
your Majesty our distinguished officer
Rear Admiral Jenkins

Salisbardo reply.

I thank your Majesty for graciously enquiring after the health of the President of the United States and I take pleasure in assuring Your Majesty that the President is enjoying good health.

I reiterate my thanks for Your Majesty's many kindnesses.

With Your Majesty's favor and the kind offices of the Minister for Foreign Affairs there should be no doubt of my success in the performance of my duties. —

Personal remarks to Lafayette.

I learn with pleasure that the President of your country is with yourself in good health

I am pleased that you are enabled to perform your duties.

To the Minister.

It is a long time since I met you
I am gratified that you are enabled
to perform your duties and are in
the enjoyment of good health.

Copy of Translation.

Memorandum of a conference at the Department for Foreign Affairs held on the 9th of the 5th month 1872 between Sayeshima Minister for Foreign affairs and Shufeld Charge d'affaires U.S.

By Mr. Shufeld.

I have had a conversation with Mr. Watson the English Minister the subject of which was the etiquette observed at Audience and I learn that in consequence of a conference with him, my Admiral. Audience has been postponed

If such be correct I desire to learn the full particulars.

By Mr. Sayeshima

a short time ago the English Minister said to me that the

the Tenno ought to stand while receiving.

my reply was that as in the intercourse of the Foreign Powers with one another each observed its own rules of etiquette. No one state can follow a prescribed form. The etiquette met with in one state is different from that in another

(Thus was argued with some spirit.

The Minister finally agreed to the usual form, and he requested me to consider the interview as never having taken place. Consequently I allowed the matter to pass entirely from my mind. Upon the day fixed for the audience, word was received that the Minister was ill and the audience was postponed.

By Shepard.

I understand, but the English Minister came to my legation, and

and stated that he had asked Your Excellency to cause the Temo to stand while reciving. which you refused to do, when he went at once to His Excellency Sayo and stated the case, and Sayo agreed that such should be done, but he did not finally decide. He then urged upon me to take ground with others, and by forcing this ceremony at the audience of my Admiral, the Russian Minister and the French Admiral shortly to take place, thus settle the point for Japan. Being thus urged by him I had some reason for sending my letter of yesterday concerning the advisability of the Temos standing to recive.

He also told me that he had suggested illness and thus caused the audience to be postponed an account-

of his recent argument with you.
This I state to you privately.

By Mr Sayonara.

That is not all as he stated. The English Minister asked me to consider his talk with me as never having taken place: besides no such arrangement as he states was ever made with Mr Sanp

The letter informing me of the English Minister's visit was not from him but written by Sato to the Dai Shoso. (1st and 2nd assistants) of this office and Mr Miyamoto the 1st assistant remonstrated with Sato, declaring that it was not right to wait until such a late hour to ask for a postponement. Sato apologized for the severe illness of his chief and gave its severity as an excuse

for the delay. Besides asking me to consider the interview as not other matters were apologised for —

Say Mr. Shepard

I do not wish to insist upon the Terms standing while receiving but as the English Minister came and told me that Sanjo had agreed that such should be adhered to in future I also joined in the request:

Now as the matter is understood let the audience take place in the usual form: but I beg that the same form that is observed at the audience of the British Minister may be accorded me. I do not desire to cause your country any annoyance nor any such may as caused by England in the 4 and 1/2 boo affair.

Yours

To Mr. Shepard abey. Sayashmia.

Our friendly relations (intercourse)
will not permit of any favor to any
particular one. St. differnci will
be observed in your audunci and
that of the English Minister,
We observe and follow the same
principle as other States in such matt
and always keep an undeviating course
throughout our intercourse, with all;
but one will never allow the Englis
Minister to force any argument upon
us

Mr. Shepard.

I understand but I
thought the government would carry an
what Sayo had agreed upon

Mr. Sayashmia

Certainly the government
carries out Mr. Sayad agreements.

But

But on matters concerning Foreign
Relations, the Minister for Foreign
Affairs is deputed to decide all questions
and such matters as have not the approval
of myself the Government will not support.

If this were not so our Foreign
relations must cease and there would
be no need for a Minister for Foreign
Affairs. After a conference with your
countrie Adams with the English
Secretary for Foreign affairs a dispatch
was received by him from the Premier.

This Adams returned stating himself
to be accredited to transact business
with the Secretary for Foreign Affairs
and not the Premier. Again the
Russian Cataraq on a certain occasion
sent a dispatch to your President who
refused him and sent to your Secretary
of State.

Suffice Mr. Lanza to have

agreed to the Terms standing and we should object to the same, such agreement would not be carried out. In thus fulfilling our separate duties our present friendly relations with Taiyan States will be maintained

But as Sayo has not agreed to any such thing no such action will be taken which you will please distinctly understand.

Shepard

Your argument is certainly just.

Sayshima

Under these circumstances your letter of yesterday appears violent and if left in our archives would always show that an insult had been offered our Government it is retu

Shipo

Shepard

If by the fault of our minister
my countrys relations are in danger
the break thus made should not be
left.

Under the existing circumstances
I will return back the letter.

(at this moment the Minister took
the letter in [illegible])

Shepard

Translated at
Leeds July 5th 1843

Middlesboro Kentucky
& the Long Branch

445.

Hon Enclosures

Dated July 7th 1873

Inspecting a dispatch
of Mr C O Shepard to
the Department of
State

Mr Bingham

DEPARTMENT
RECEIVED
AUG 21
1873

Legation of the United States
No 4. in Japan
Yokohama July 15th 1873.

Father & Rice
Interpreter to Legation
to
Hon Wm A. Wheeler Secretary of State

Account
of Travelling Salary &c for quarter
ending June 30. 1873.

Enclosure 3.

Seal Auditor

Legation of the United States
No 4. in Japan
Yokohama July 16 1873.

Sir:

I have the honor to forward for examination and approval, my Salary a/c for the quarter ending June 30. 1873 1/4

In the hurry of business, I neglected to do so by last mail, for which I hope to be pardoned.

I beg also to inclose for approval, Exchange vouchers for draft drawn on Messrs Glynn Mills & Co London, dated July 5th for pounds 139.1.8. and one the same date on the Asst Sec of Treasury of State for $ 56.45/100 Coin & exchange Asst Sec of State on

Washington D.C.

2/4 the preceding.

2/4 Enclosures 1 to 3.

Asking for your kind consideration,

I remain, Sir

Your Respectfully

Nathaniel Dill

Secretary of Legation

in Japan.

List of Enclosures.-

#1 Salary account

1 Voucher No 1 to 2

3 Vouchers No 1 to 2 (each)

Mr O'Connor says
What authority had before
to interfere
Mr O'Connor
File -



Legation Japan

July 17th 1873

No 446

Sir

Sir

C. E. De Long

Minister

Contents.

Consul Shepard discharges the Master
Officers of the Ship Otaga and ordering
directions re-instates Same

No 446 Legation Japan

July 17th 1873.

Sir:

I have the honor to inform you that on the 8th inst I received a note from one Hansen Bernard complaining that he had been unlawfully dismissed from his position as second officer of the Ship Otago by Consul Shipman. (Enclosure No 1) 1/446

At once upon the receipt of this note I addressed the Consul enclosing copy of the complaint and requested him to furnish me with a copy of his record in the proceeding (Enclosure No 2) 2/446

On the 15th inst I received a reply from the Consul, contesting as usual my right to require him to do anything but acting for the Hon Hamilton Fish the

Secretary of State

Washington DC

the grounds upon which he had proceeded but
failing to certify upon a copy of his record.

3/4/46 (Enclosure No 3)

As Captain Thorndike of the Otaga
had been heard in his complaints to me
about his officer being discharged, I was somewhat
surprised to find that Mr Shepard based his
action on a statement made to him as he
said by the Captain to the effect that he
would be glad to be rid of the man
I therefore sent for the Captain and Mr
Shepards dispatch to him when he at once
filed his affidavit with me denying the
statements of the Consul in toto.

4/4/46 (Enclosure No 4)

I then again addressed the Consul on
the 9th inst advising him of the Captains
denial and again directing him to certify
up to me a copy of his record.

(Enclosure

(Enclosure No 5) 5/4/46

On the 10th inst. I received a reply from the Consul. (Enclosure No 6) forwarding a copy 6/4/46
of his record (Enclosure No 7) 7/4/46

This record I beg you to observe fails entirely to show any of the jurisdictional facts necessary to be shown to authorize a Consul to dismiss the officers of a Ship. That is; no application of the Master for his dismissal appears of record, nor any proof that he was charged or proven guilty of habitual cruelty. — See Consular Regulations paragraphs 144. 145. 146 & 147. under cover by virtue of which the Consul seems to have proceeded. —

Finding that his record did not warrant his order of dismissal I addressed him a Note on the 10th inst directing him to re-instate the officers. (Enclosure No 8) 8/4/46

Go

I to this the Consul replied on the
12th inst. advising me that he had
9/44 obeyed my order (Enclosure No 9)
and forwarding a copy of his order
reinstating the officer. (Enclosure
10/44 No 10)

You will observe that Mr Shepard in
his last note attempts to justify his
proceedings and sets forth many things
not mentioned in either of his preceding
notes or in his record.

I submit that I was right in assuming
that in obedience to my request he had
fully stated all of his proceedings before
I gave him the final order. If he did
not do so it was his own fault and
he has only himself to blame.

What he states after the order has been
given and obeyed I submit should not

be

be considered, but even assuming it all to be true, there appears no application by the Master for the dismissal of the officer at least none such as in my opinion the Regulations require, and no record not even a statement of Mr Shepard's that either of the deserting sailors testified to this officer having done anything beyond committing the single act of assault upon one man which consisted (as the Captain says he stated and heard all of the men state) of one single blow of the hand.

The simple truth is Mr Shepard is conducting the Consulate on the same principle that he did this Legation; he practically keeps no records; does as he pleases and depends upon his official position entitling him always to official persons to endorse if any of his

Statements

statements are disputed, and then when called upon to explain anything state his case to suit himself

Awaiting by your kind approval of my action in this matter.

I am Sir

Your obedient Servant

C. E. De Long

List of Enclosures.

No 1. Complaint of James Bannan

No 2. De Long to Shepard.

No 3. Shepard to De Long

No 4. Affidavit of Captain Thorndike

No 5. De Long to Shepard enclosing request

No 6. Shepard to De Long forwarding Record

No 7. Copy of Record.

No 8. Copy of Record.

No 8. De Long to Shepard ordering remediation.

No 9. Shepard to De Long in reply.

No 11. Order directing re-examination

Yokohama July 7th 1873

Hon C. E. De Long.

Minister Plenipotentiary of the U.S.

Yokohama.

Sir

I most respectfully beg to lay the following statement before you for your consideration = I was formerly 2nd mate of the American Ship Otaga. On the voyage from Cardiff to this port one of the crew of said ship being very insulting and aggravating language to me caused me to strike him. Upon our arrival in Yokohama I was summoned to appear before the U S Consul C. E. Shepard upon complaint of the man whom I had struck. The Consul upon hearing the case not only imposed a fine of $10 upon me but discharged me from the ship leaving me in a foreign port in an almost destitute condition. The Captain of the Otago being present at the Consuls ashed pormission of Mr Shepard to

make some explanations in regard to the striking of the man but-was refused a hearing.

I respectfully ask your consideration of the above statement and ask such relief at your hands as you may be able to afford.

Most respectfully

Francis Barnard

approved C A Thorndike

Copy

No 140

U. S. Legation Japan
July 6th 1868

C. O. Shepard Esq.
U.S. Consul
Kanagawa Japan

Sir

This morning I received a note and
[illegible] copy enclosed from one Francis Burnard
claiming that you have illegally discharged
him from his office as Second Mate of
the American ship Otaga

I will thank you without delay to
certify up to me a copy of the record
upon which you entered him and
also request you to refer me to any
law or regulation by authority of which
the man was discharged by you.

I am Sir
Your Obedient Servant
C. E. De Long

No 215

U.S. Consulate

Yanagawa July 10th 1893.

Hon
C. E. De Long.
U.S. Minister

Sir

Not recognizing the right of an appellate Court to call for "certified copies" of judicial proceedings until appeal or complaint in the prescribed legal form has been made. Still I am willing in reply to your No 120 to say that Francis Brennan was brought before me in accordance with Paragraph No 189 Consular Regulations in a simple and summary manner upon a complaint verified by the oath of John Smith and said Brennan pleading guilty to Assault and Battery was fined $10. Neither party asked for Captain Thorndikes statement nor was it allowable as the

accused had plead guilty. A statement volunteered by a person not-party to the action would always be refused by me.

Concerning his discharge. Six of the Crew agreeing in the charge of continued bad treatment and the Captain expressing a desire to be rid of him as he was of no use I discharged him by Authority given in Paragraph 144, 145 + 146

I should impeach your knowledge of law and procedure did I suggest that relief other than that obtained after proper charges and hearing, or upon a properly perfected appeal, was in your power to grant.

I have the honor Sir

to be

Your obedient Servant

E. C. Shepard

Lieut.

Empire of Japan.
U.S. Legation Yokohama.
July 10th 1873.

Chas A. Thorndike upon being by me first duly sworn deposes and says that he is a citizen of the United States of America aged Forty seven a native of the State of Maine and now Master in charge of the Ship Otaga now at anchor in this port.

That he has heard read a note from Mr. C.O. Shepard Ms Consul dated July 10th 1873 No 215 in which with reference to the discharge of the 2nd officer of that vessel the Consul says. That this deponent states that said 2nd officer was of no use and expressed a desire to get rid of him which statement this deponent says is not correct and true that on the contrary he this deponent has constantly desired and still desires to retain said 2nd officer on board of the Otaga. and upon the occasion of his trial tried

me

or wish to speak to the Court or his said officers deponent and was not allowed so to do. Deponent further says and states that he has not at any time or in any place asked or sought for the discharge of said Francis Burnard.

E. A. Thorndike

Signed and sworn
to before me on the
day and date above written.

A. C. Du Long
Notary

No 173

U. S. Legation Japan
July 9th 1873

Sir

Your dispatch dated tomorrow number 213 is received

By reference to article six of the Consular Regulations you will observe that I am vested with the powers and charged with the duties of a Consul General

By virtue of such authority I have the undoubted right to require you to certify up to me for examination the record of any proceeding taken by you as Consul: particularly when a complaint is laid before me charging you with usurpation of authority or other official misconduct whether arising from mistake or otherwise

Please do so I have directed

You

apan to do mi my Rs 120 of
the 8th inst without further delay.

I remain

Your obdnt Servant

C C De Lang.

C. C. Shepard Esq
U S Consul
Kanagawa Japan

No 217 U.S. Consulate

Niagara July 10th 1873

Hon

E. C. Delong

U.S. Minister.

Sir

I am in receipt of your dispatch No 183 of the 9th inst in reply to mine of the same day. previously dated the 10th inst.

I am fully aware of the provisions of Art 6th of the Circular Regulations par 46 nor do I for a moment question the right of the Minister to exercise a general supervision over the Consul as an executive officer but not as a judicial officer where the fine imposed is less than One hundred dollars. upon to which point his decision is final. You speak of my proceedings as Consul I am at a loss to know whether you mean my judicial or Executive proceedings

If the latter me should probably differ but-

but slightly if any. The general
suspension of my Executive proceedings
may perhaps extend to requiring of
me such a statement as composed
in my No 215 but in my opinion
reaches no further. I have already
detailed to you my action in the
premises as Executive officer & acted
my authority for the steps taken and
I am willing to abide by the decision
of the only officer authorized to finally
approve or disapprove of my course as
to how a report has been made.

The indorsement given before me as
such last-named officer was not
matter is it required to be taken
down in writing hence I have nothing
further to forward you. As I am
desirous of doing more instead of
less than my duty I forward you
copies of the Court-records in the
matter of the People of the United St

vs Francis Brenan although I am of opinion that no authority will lay exists for such an anamolous proceeding If I so decided I could deny the whole ~~proceeding~~ charge as upon the articles of the ship the 2.nd Officer appears as Francis Brennan and Francis Bernard for which this error would of course throw the matter out of Court it would not effect the spirit of the complaint which you desire to pattion hence I take no exception thereto at present.

I have the honor to be
Sir
Your obedient Servant
E. B. Shepard.
Consul.

Rec'd

Kanagawa Japan June 20th 1863

To
Charles. C. Shepard Esq
United ~~State~~ Consul.

I hereby complain of and charge Francis an American Citizen with Assault & Battery.

Specification

In this that the said Francis Brenan did assault and beat me one Eric Smith without any cause or provocation

U. S. Consulate June 25th 1873 } Jno Smith

do swear that I have read and signed the within complaint and that the same is true to the best of my knowledge and belief.

his
Jno x Smith
mark

Sworn and subscribed to before me this 25 day of June 1873.

signed Geo St. Mitchell

(S.S.) Dep. Consul.

U. S. Consulate
Kanagawa June 25th 1873

I hereby certify that from information and belief I have reasonable grounds for believing that the content of the within Complaint are true.

(signed)

Geo St. Mitchell
Dep
U. S. Consul

(S.S.)

Warrant.

In the United States Consular Court for the port of Hanagawa Empire of Japan.

—o—

The People of the United State of America

To any United States Marshall Deputy Marshall or Acting United State Marshall in the Empire of Japan.

A complaint in writing duly verified by the signature and oath of John Smith having been filed in this court on the 20th day of June. A.D. 1873 charging one Francis Brenan with the crime of Assault & Battery

You are therefore commanded forthwith to arrest the said and above named Francis Brenan if found within the Empire of Japan and forthwith produce him the said Francis Brenan before this Court to answer to said Accusation.

Given

Given under my hand and seal
of said Court affixed this 25th
day of June. A.D. 1873.

(signed) C. O. Shepard
Consul.

L.S.

In the Consular Court of the United States at Kanagawa Japan

Before C.E.S Shepard
U.S Consul

People of the U.S.
vs.
Francis Brenan

June 26th 1878

Court met at 11 a.m.

Prisoner arraigned and plead guilty to Assault and Battery on one John Smith Sentenced to pay a fine $5.00, Court adjourned.

Sgd. G. St. Mitchell
C.C.C.

U.S Consulate Kanagawa
July 10th 1878

I hereby certify that that forgoing is a full true and correct copy of the Consular Court records in the case People of the U.S. vs Francis Brenan.

Geo. St. Mitchell
C.C.C.

Consular Seal

No 144. U.S. Legation Yokohama
Japan July 10th 1893

Sir

I have to acknowledge the receipt of your no 213 of this date with its enclosure. From this record nothing appears warranting your action in discharging the 2nd officer of the Otaga.

On your no 213 you state as follows concerning his discharge;- "Six of the crew "agreed to the charge of continued bad "treatment, and the Captain expressing "a desire to be rid of him so he was of- "no use & discharged him; by authority "given in Paragraphs 144, 145 + 146."

By reference to these Paragraphs you will find that they read as follows "Although not authorized by statute it "has been the practice for Consuls to "discharge seamen and also officers on "good cause shown, against their consent "on application of the master, and this

"jurisdiction has been sustained by the
"Courts. The Consul will not exercise this
"right for slight or venial offences nor
"for a single offence unless of a very
"aggravated character. He must be
"sure that the officer or seaman so
"dealt with absolutely incompetent to perform
"the work he has contracted to do; that
"he has been guilty of such act of
"insubordination as to make him dangerous
"to a man of ordinary firmness; or that
"habitual misconduct (such as drunkenness
"(for instance) amounts to unfitness for
"duty or that if such officer he has been
"guilty of habitual cruelty."

By virtue of the authority here
given it is very plain that the discharge
of this officer could in no event be legally
made by you except upon the application of
the Master. In your no 213 you state that
that the Captain represented a desire to be rid
of him as he was of no use. You do not
believe nor that he made such statement

to you as Counsel in any proceedings brought to obtain this mans discharge or punishment.

The record you forwarded with your no 217 shows that the man was proceeded against upon an Military charge of Assault and Battery to which he plead guilty and was fined by you only ten Dollars showing that even in your own opinion his offence was not a very aggravated one.

This officer in his complaint to me says that the Captain sought to prevent his discharge and asked to be heard by you in his defence. The Master signs this statement as approved. In your No 213 you tacitly admit this when you say "neither party asked for Captain Thorndikes "statement nor was it allowable as the "accused had plead guilty, a statement "volunteered by a ~~part~~ non-party to the "action would always be refused by me" it is entirely possible that the Captain omitted to protest against the discharge of his accused officer and as your only

only authority under the regulations
for dismissing the officer of a ship
so the request of the master so to do
it seems to me he was the person
you should have heard before taking
action. Captain Schmidyke first
complained to me verbally of your action
in dismissing your second officer Channing
that he had been rather rudely and
insolently treated by you and that you
had usurped power and upended your
authority in dismissing the officers and
men without his request or consent;
leaving him and his vessel here in
a most embarrassing position. I replied
to him that I could not do anything
to redress any grievance unless an applicat
was addressed to me formally by some
person feeling himself aggrieved by your
action; that when any such complaint
was formally laid before me in writing
I would take such action as the law
directed.

instructed. I then required the second officer
complaint of which I gave you notice
I was quite surprised when in reply you
claimed to have taken this action to some
extent by the request of Captain Thorndike
I sent for him and read him your
despatch No 215; and he indignantly
denied that he had ever used the language
you then attributed to him; or any other
language calculated to lead you to believe
that he desired the dismissal of his second
officer and he signed his affidavit with
me to that effect.

This shows how
important it is in matters of
such grave concern; to reduce to writing
and place on file statement or declaration
forming the basis of a proceeding

It is clear that a Consul receiving
in such a case should show two things
viz. that the Master had applied for the
dismissal of the officer; and secondly that
satisfactory evidence had been furnished

that the officer had been guilty of habitual cruelty.— Your records show nothing upon either point- as you admit. You say that six of the crew agreed to the charge of continued bad treatment but you fail to state that they so agreed under oath or that this officer was allowed to cross examine them or to offer any evidence on his behalf or was even informed that any proceedings was being taken against him for his dismissal. Certainly by every theory of law an officer before stripping an American citizen of an office he holds disobeying a contract between him and his Employer and turning him adrift in a Foreign land perhaps friendless and with an impaired or ruined reputation should give such individual notice of the proceedings about to be taken against him, should allow him to confront the witnesses brought against him, should allow him

to offer evidence on his own behalf and should place on record the request of the master for his discharge, a note of the evidence offered in support of the allegations of habitual cruelty, and an order following it dismissing the complaint all is left to the memory of the Consul alone and is subject to such conflicting disputes as have arisen in this case.

I commit before that it is the intention of the State Department or of Congress to have the officers of our Commercial Fleet dismissed in the summary manner this man has been. Under paragraph 143 page

"The Consul will not exercise
"this power for slight or venial offences
"nor for a single offence unless of a
"very aggravated character"

Your record shows that but one charge was made against this man and that one by no means an aggravated one.

Yours

I am sure to have mentioned the
Charge upon which the man was
arrested and accepting the agreed statement
of six of the crew and excluding the
Captains offered explanations promptly
discharged him. In attempting to
reconcile the statements made by the
Captain and second officer with
those made by yourself I have assumed
that the Captain did make the remarks
which you allege that he did in your
no 2135; and even upon that assumption
I cannot find that you possessed the
authority to dismiss that officer.
It seems at least to have been an
informal conversation and I am
satisfied the Captain did not intend
by any remarks he may have made
to apply for this officers discharge
Thus so endowed by his attempt to be
heard by you in defence of his offence
his immediate complaint to me and his

understand of the letter addressed to me by the second officer; saying nothing of his affidavit. You may have misunderstood him and beyond doubt you did misunderstand his motive. I trust that on a more calm review of this proceeding you will agree with me in this opinion as to the practice that should govern in such cases. — You are instructed forthwith to enter an order reinstating the second officer of the Otaga to the position from which you dismissed him; to notify him that such order has been made by you, and report your final proceedings to me.

I am Sir

Your most obedient Servant

C. C. Long

C. O. Shepard Esq

Acd. Consul

Kanagawa Japan

No 229. U.S. Consulate

Hanagama July 12th 1873

Hon
H. E. De Long.
U. S. Minister

Sir

Evident misapprehension on your part concerning the matter in question renders an answer to your No 174 in my opinion absolutely necessary and I beg to remove briefly the points of your letter causing such misunderstanding. In the first portion of your dispatch the following words are used- "By virtue of the authority here given it is very plain that the discharge of this officer could in no event be legally made by you except upon the application of the master"- This is a tacit admission that had the "the application of the Master" all would have been legal.

Later on you say-
"I have assumed that the captain did make

"the remarks to you which you allege
he did in your no 2/3-4c namely that
the Captain desired to be rid of the 2nd officer
as he was of no use. If this be "assumed
I submit that my authority is completely by
your own showing. Again you say "you
do not advise me that he made such
statements before you as Consul in any
proceedings brought to obtain this mans
discharge or punishment." I have advised
you that the swearing of Brown was an
Judicial act and that the Masters voluntary
statement after Brown had pleaded guilty
was refused since if he made no
statement before me as judge all
his statements must of necessity have
been before me as Consul.

I beg again to call your attention
to the fact that Browns discharge was
a Consular act. The statement that the
Captain was refused a hearing before me
as Consul is simply false and your

presumption that Brennan and the Captain were not present — had no opportunity to cross examine or offer evidence is entirely unfounded and cannot be gathered from anything I have written. Six men deserted were arrested and in accordance with Par 807 called before me and asked their reasons. They all agreed that it was because of the cruelty of the 2nd Officer. The Captain was present and these made the remark attributed to him. The men were sent to jail until, and the 2nd officer summoned for 10 O'clock next day when the Consular hearing took place. Both the Captain and 2nd Officer was present during the whole examination cross-examined and cross questioned whenever they liked heard all that was said made all statements they desired and confronted each and every witness. Now to enforce upon that — "The evidence given before me as "such named officer (Consul) was not "whether is it required to be taken down

in writing — have all these things which you take for granted were not done may have been; but it would seem that until it was proven that I did take the proper steps you presume I did not or in other words that I am guilty until proven innocent. This I believe is not the theory of American Law To reduce to writing the current utterance during each day would require a Stenographic reporter and as no such officer is provided I am justified in the belief that the duty does not devolve upon me. You admit saying to Captain Thorndike that you could not do anything to redress any grievance unless a application was addressed to you formally by some person feeling himself aggrieved; and still you accept and entertain a complaint of one Francis Bernard for a reward claimed to have been done to Francis Bernard

That Captain Thorndike denied having made a statement as claimed by me

am quite ready to believe. I correspond entirely with his ungentlemanly, and disgraceful conduct toward Dr Newman, Dr. Mitchell Mr. Elmer and myself I should imagine him capable of saying or doing almost anything, but that I misunderstand or misunderstood him, I do not for a moment believe; his conduct has been too transparent, In the presence of Dr Newman Mr Dennison & Mr Mitchell he admitted having conversed at the desertion of three men by saying that if they chose to leave the ship he should not stop them, and when reporting their desertion to the Naval Board expressed himself quite in nearly these words - "Some of my "men have left the Ship and I "suppose I must report them, or I'll "get fined or imprisoned or something "on the other side" In reference to the sentiment of stripping an American citizen of his office turning him adrift

"in a foreign land perhaps penniless
"and with an injured or ruined
"reputation" I will simply say that this
man Brenan was shipped in a foreign
port as entitled upon discharge to only
the wages actualy due – and has no
shadow of claim upon the United State
There were many charges made again
him but only one which warranted
judicial action. It is true as you
"say that I – "came to have investigation
"the charge upon which this officer was
"arrested". The charge upon which he
was arrested was criminal, the other
charges were for wrongs not punishable
by fine or imprisonment. In conclu
I will say that while in obedience to
your order I have reinstated Francis
Brenan in his position as 2nd officer
of the ship Otago (Endorsement No 1)
I still hold that I possess the
authority to do exactly as I have
done and that all my steps in

respectfully protest that the authority you have assumed in instituting this as you have is without precedent Law or reason.

I am Sir

Your most obedient Servant

C. O. Shepard

Provost

Copy

United States Consulate
July 12th 1873

Francis Brennan
Late 2nd officer Ship Otago

Sir

By order of the Envoy Extraordinary and Minister Plenipotentiary of the United States in Japan you are this day reinstated as 2nd officer of the above named vessel.

Yours truly
C. A. Shepard
Consul.

C. C. De Long.
Inmate

Dated July 14th 1875

No. 446.

10 Enclosures.

Consul Shipman
discharges the Second
officer of the Ship Otago
and under any circum-
stances bans.

Mr Bordan
to
Hon B. Conner

Mee Mr O'Connor please look into this whole matter. If necessary Mee may ask to see Admiral Jenkins Dispatches

Legation Japan

July 17th 1873

No 451

From

C E De Long.

U S Minister



Furnishing additional evidence of the falsity of Mr Shufeldt's dispatch to you relative to the Audience of Rear Admiral Jenkins with His Majesty the Tenno.

No 451 Legation Yokohama

Japan July 17th 1873.

Sir.

I have the honor (in pursuance of the promise contained in my No 443) to submit for your consideration copy of a Note I received on yesterday from Sir Harry S Parkes KCB Minister in Japan advising me that by the records of the British Legation it appears that Mr Shepard did co-operate instead of opposing Mr Watsons motion requesting the Mikado to arise at official audiences. and also disputing directly Mr Shepards allegation about Minato being used.

(Enclosure No 1) 1/451

I pursume that when Rear

Hon Hamilton Fish Admiral

Secretary of State

Washington DC

Admiral Jenkins arrives here I shall be able to obtain more testimony tending to the same point: which when received I will furnish to you.

The publication of this despatch has caused a great deal of unpleasant remark here in both official and unofficial Circles.

I am Sir

Your Most Obedt Servt

E. De Long

Yokohama

July 16th 1873

My Dear Colleague

With reference to your private note of the 2nd Inst. asking me for information as to what passed between Mr. Shufeldt and Mr. Watson on the subject of the Audience with the Mikado in June of last year I am only able in the absence of Mr. Watson to consult his dispatches on the question and there I find an altogether opposed to the report made by Mr. Shufeldt in the dispatch published by the United States Govt. Mr. Watson was credibly informed that Mr. Shufeldt concurred in his views and followed the same course. — It appears that he called on Mr Watson on the 9th of June and told Mr Watson that he found himself in a very embarrassing position that he had asked for an audience of the Mikado to present Admiral Jenkins and his staff. That the Flag Ship and the man of war must convey them to Yedo on the 10th

and the Emperor was to receive them on the 13th, the arrangement having been already announced in the public journals.

Admiral Jurien had come to Mr Shepard to say that he had heard that Mr Watson had decided to go to Court unless the Mikado should stand during the interview and the Admiral had asked Mr Shepard if he was prepared to occupy a position which Mr Watson had refused. Mr. Shepard replied, saying that the Admiral must determine the point and asked Mr Watson what he should advise him to do. Mr. Watson said that judging from the Prime Ministers language and from the French and German Representatives having adopted his Mr. Watsons view of the matter he presumed that the Mikados Court would ere long yield the point. But that Mr Shepard knowing his own country could judge better than Mr Watson the

the manner in which his Government would appreciate the fact that on the eve of a probable abandonment of the Mikado's pretentions the American Representative had contented himself with a position which had been refused by the Charge d'affairs of France Russia and England. Mr. Shepard appears to have left Mr Watson with the determination to write at once to Yedo to demand that the Tenno should attend during the audience and it also appears that Mr. Shepard subsequently assured Mr. Watson that he had acted on the above advice and had made that demand.

The point seems to have been eventually conceded by the Mikados Government with little difficulty and speaking after the event I may say that I cannot understand why the question should have arisen unless the Mikado wished to make a distinction between the reception and Charge d'affairs. His Majesty had

received me also and his Ministers had repeatedly assured me that they had determined to assimilate their Court Etiquette to that of Europe, I need not add that the demand to receive Charged Affairs sitting is not in accordance with that Code of Etiquette.

I am sorry to see a dispatch published which would seem to show that differences had existed between Mr Shepard and his Colleagues nor can I agree with the view that he attained so a courtesy what threats and demands as he states had failed to effect. No threats were used on this occasion part but he simply refused to acquiesce in pretentions which it now appears Mr. Shepard would have acceded to.

Believe me
Yours truly
Harry S. Parker

Ans. file McBerdan

Delegation Japan

July 21st

No 447

Hon

Chas. Long

Minister

Contents

Forwarding copy of "Shanghai News Letter"

containing account of the audience granted by the

Emperor of China to the Foreign Representatives.

Remarks as to the effect of the matter

upon Japanese politics

DEPARTMENT OF STATE
RECEIVED
AUG 21 1873

No. Legation of Yokohama

Japan July 21st 1873

Sir.

I have the honor to forward to you herewith copy of "Shanghai News Letter" received this morning, containing an account of the Audience granted by the Emperor of China to the Foreign Representatives and especially alluding to H. B. M. Legation as having materially aided in bringing this much wished for result. (Enclosure No 1) 144

From the Acting Minister for Foreign Affairs I also learn that a telegram from the Embassy has been received stating that all questions pending between China & Japan have been satisfactorily concluded.

Hon Edwin

Hamilton Fish

Secretary of State

Washington DC

should this information prove to be true
I trust that you will accord me the credit
of having acted prudently and correctly in
intervening to prevent war, in counseling
the sending forth of this Embassy, and
obtaining its management and direction
under American influences

I feel that if I have not done anything
of actual service to Japan and to civilization
since I have been here it has been in what
I have done in this connection

I do not now have not felt that that you
should have felt alarmed and feared I had done
what might involve the United States in a
misunderstanding with one or both of these
countries, but I beg you to judge of my labors
by results, and by that standard accord me
such credit as you consider I deserve

I am Sir
Your obedient Servant
C Eldridge

List of Enclosures

No 1. Shanghai News Letter containing account of Audience.

U. S. Legation Japan

C. E. Delong.
Ch Secretary

No 144

Dated July 21st 98

Forwarding copy of
Shanghai Times letter
containing account of
audience granted to the Emperor
of China. to Foreign
Representatives

VOLUME IV
NUMBER 29

The

ARR

The P. M. S
about midnigh
ordinary cours
was to leave
But before her
gram that tho
ma three day
Gwangsi with
ved, and the
exigencies of
pan Mails on
new hitch in t
expressed by
America. It
Gwangsi for so
San Francisco
June, and she
the *Oregonian*
voyage in th
Shanghai were
Rica which ar
The names of
be found as u
Her Treasure
sails again wi
morning at 1
also be found i
takes about 30
Tea.

SUMMA

Two events t
issue stand out
and importanc

The former
of the first Au
of China to th
tions at Pekin
last issue as
take place sho
stances preced
ience itself, a
thereon, we re
Tientsin to be
leading article

The other e
was the occurr
"glorious 4th,
over all parts
warmer enthus
American at H
ness of their
world prevent
to their patri
demonstrations
and towns at

In Shangha
bration of the
of the flagship
pendant of Ad
America, the
Palos gave a
and Stripes.
of the Harbo
the men-of-wa
merous merch
magnificent te
boats vied wi
of their "dre

Forwarding copy of Shanghai Times letter containing account of audience granted to the Emperor of China. to Foreign Representatives

The Shanghai News-Letter

VOLUME IV
NUMBER 29

SHANGHAI, JULY 12TH, 1873.

SINGLE COPIES, 25 cts.
$6.00 PER ANNUM.

ARRIVAL OF THE MAIL.

The P. M. S. *Oregonian* which arrived here ut midnight on the 5th inst. should, in the inary course, have brought the Mail which to leave San Francisco on the 1st June. before her arrival it was announced by tele- m that though she had waited at Yokoha- three days beyond her schedule time the *angse* with the American Mail had not arri- , and the *Oregonian* was compelled by the gencies of the service to leave with the Ja- Mails only. Much dissatisfaction at this hitch in the Company's arrangements was ressed by those here doing business with erica. It afterwards turned out that the *angse* for some reason or other did not leave Francisco till the 5th instead of the 1st of e, and she reached Yokohama the day after *Oregonian* left, so that she really made the age in the usual time. Her Mails for nghai were at once transferred to the *Costa ca* which arrived here at noon on the 8th inst. e names of Passengers arrived by her will found as usual in our TRAVELER'S RECORD, r Treasure amounted to only $55,600. She s again with the outgoing Mail to-morrow rning at 1 o'clock. Her passengers list will be found in the TRAVELLER'S RECORD. She es about 300 Bales of Silk and 250 tons of .

SUMMARY OF INTELLIGENCE.

SHANGHAI.

Two events that have taken place since our last ne stand out prominently as of special interest importance.

The former of these is the actual occurrence the first Audinence granted by the Emperor China to the Representatives of foreign na- ns at Peking, which we mentioned in our issue as announced by Imperial Edict to e place shortly. For some of the circum- nces preceding it; for an account of the Aud- ce itself, and for some general reflections reon, we refer over readers to the letters from ntsin to be found on page 437 and to our ding article on page 438.

The other event, we need not tell our readers, s the occurrence of INDEPENDENCE DAY, the lorious 4th," hailed by Americans scattered e all parts of the world, with perhaps, even rmer enthusiasm than is felt by the average erican at home. But of course the few- s of their numbers in some parts of the rld prevents them from giving expression their patriotism by the same imposing nonstrations as are possible in large cities l towns at home.

In Shanghai, we were assisted in our cele- tion of the day by the presence in harbour the flagship *Hartford*, bearing the broad dant of Admiral Jenkins, while the *Lack- anna*, the *Iroquois*, the *Monocacy* and the *los* gave additional prominence to the Stars l Stripes. Indeed, by 8 A.M. the whole face the Harbour was ableize with bunting; men-of-war of all nationalities, the nu- rous merchant steamers, a dozen or so of gnificent tea-clippers, yachts, hulks and house- ts vied with each other in the gaudiness their "dressing," which a pleasant breeze displayed with unusual vivacity and effect. The fourteen foreign Consulates displayed their biggest banners and many private establish- ments, large and small, gave fluttering evidence of their interest in the grand event of the day. In many instances, no doubt, this was simply the result of friendly rivalry and a desire to be upsides with one's neighbour. But the more thoughtfully people ponder on the principles set forth in the Declaration of Independence, and on the effect produced on the freedom and progress of all humanity by the practical assertion of those principles, in the esta- blishment of the United States as an independent nation, the more may men of every nationality take a cordial part in celebrating the day, and none more so that the members of that nation from which on this day the States forcibly separ- ated themselves.

Shortly before noon a considerable number of the American residents, with a few of other nationalities, assembled on the balcony in front of the United States Consulate-general, where Mr. Vice-Consul-general Bradford proceeded, according to time-honoured usage, to read the venerable document by which the States consti- tuted themselves independent. (This document, not being so well known as it ought to be, was reproduced in the *Shanghai Courier* the same evening, along with an account of Thomas Jef- ferson who drafted it.) The reading was scarce concluded, when a gun from the *Hartford* an- nounced the moment when the Great Republic entered on the 98th year of her national existence. The *Lackawanna*, jointly with the *Hartford*, pro- ceeded to fire each a national salute, and were responded to by H.M.S. *Rinaldo* and His Italian Majestys steamer *Governolo* which had just ar- rived in Harbour. The Police of Hongkew, too, which is popularly known as "American town" kept up a custom now 7 years old, of bringing a field piece to the front of the Consulate and fir- ing a full salute. So that for a few minutes the Harbour resounded with the sounds and was enveloped in the smoke of a miniature sea-fight. As the reverberation of the last gun died away the party on the Consular balcony got up a Cheer, finishing with a "tiger" and having duly pledged "the day we celebrate;" betook themselves to other social engagements appropriate to the day. The most notable of these was a grand Reception given by Admiral Jenkins and his officers on board the *Hartford* from 2 to 6 P.M. The day was unusually hot, and as it was understood there was to be danc- ing, many ladies were deterred from accepting invitations courteously sent them. Still there was a goodly gathering of the beauty of Shanghai, and, altogether, over 300 guests enjoyed the hospitality of the good old ship which was which was dressed out *à merveille* in honour of the occasion. Sprightly dance music was played so temptingly by the admirable Band of the *Hartford* that in spite of the heat a number of waltzes were organised and "put through," to the great delight of the gallant officers. Shortly after 6, to the strains of "Hail Columbia," the guests in successive parties were conveyed ashore in a number of saucy steam launches kept ready for their use. We need not say that at many a merry gathering in the evening the "Land of Liberty" and the "old folks at home" were proudly talked of and fondly remembered.

To come down from these high altitudes, the fortnight has been otherwise barren of news, the fact being that men are too busy now with Tea and Silk, Ducks and Drills, to pay much atten- tion to those social engagements and enjoyments out of which news chiefly springs. For Mem- oranda on the Markets we refer our reader to page 351. With the 1st of July, summer may be said to have fairly commenced, the mercury stand- ing at over 90° in the shade, and once touch- ing the uncomfortable range of 97°. But again it has receded to a comparative pleasant point, —an agreeable change, for which, it is feared, we are indebted to some heavy typhoon outside, similar to what has recently trailed its skirt over Hongkong, causing much risk, but happily not much serious damage.

From the local papers we cull the following items of interest:—

We hear that within the past week or two, there have been 7 well authenticated cases of Rinderpest in and near the Settlement, all of which have proved fatal, 6 of the animals having died, while the remaining 1 had to be killed to put it out of misery. 2 carcases ready for the foreign market were seized being found to show unmistakeable symptoms o this fell disease. The persons in whose possession they were found were fined respectively $5 and $10 besides having the entire carcases confiscated and des- troyed. It is said that at Tan-yang, a district between Soochow and Chinkiang whence the great bulk of our meat supply is derived, the disease is so prevalent that the cattle dealers there are exceedingly chary of sending any animal that shows the slightest symptom of disease to the Shanghai market; experience having taught them that confiscation and punishment is the almost invariable result. The result is that the slaughter-houses at Pah-sing- jao are freer from the pest than would other- wise be the case. But all these facts show how urgently the proposed new Slaughter Houses are wanted.

Among the ships arrived on the 8th instant would be observed the name of the Russian steamer *Nicolai*, which is noteworthy as being the first of 5 steamers contracted for at home last year by the American Steam Navigation Company to trade between Shanghai, Wladivo- stock and Nicholaievsk, the capital of Eastern Siberia. The remaining 4 are expected to ar- rive in a short time. The same Company are said to be building on the Amoor about 20 steamers for the collection and distribution of Exports and Imports for trade with China by thus new route. This threatens seriously to affect the trade of Tientsin and Kiachta. She leaves for Hankow on Friday morning to load for Wladisvostock.

A case of considerable importance to ship- masters and consignees of ships came before the Mixed Court on the 28th ulto. Some days previously Capt. Dalrymple of the ship *Duke of Abercorn* complained to the Police of having lost a large portion of the cargo of coals which he brought from Sydney. There had been duly weighed into his ship at that port 1712 tons of coal, but according to the tally kept by his officers when the cargo was weighed into lighters at the Kaou-Chang-meaou Arsenal during the past week or two, the out-put was only 1552 tons, or say 160 tons short. As

such a shortcoming was too large to be accounted for by any slight difference between the scales used, the Police made diligent enquiry after the boatmen employed in conveying the coals from the ship's side to the Arsenal. They soon succeeded in getting information that one and another of that clean handed fraternity had been known to sell coals during the period referred to. Two of these were brought up at the Mixed Court for examination. One man said that 11 tons of coals had been weighed into his boat from the foreign ship; he had gone and delivered 11 tons to the Arsenal into which the coals were again weighed, and he found there remained in his boat a surplus of about 3 tons, which he sold as the Police had found out. How this surplus remained, or whence it came, he professed to be utterly ignorant. The other man's boat was not so large, but on his boat load the surplus was little short of a ton which he sold for $5.00. At this rate Capt. Dalrymple's deficiency would soon be accounted for. But it will be more difficult to recover, as it appears to have been skilfully distributed in small quantities so as not to excite suspicion. The seriousness of the loss to the ship is obvious, as the freight alone of the missing cargo would be nearly, if not quite £ 400. Captains and officers of ships bringing coals to Shanghai for the first time are probably not aware that the whole fraternity of coal merchants, brokers, godown men etc., have an ingenious method of so altering the pivot of the weighing beam as that it takes a considerable percentage over the weight to depress the scale. It is stated on good authority that the native keeper of a coal-godown in Hongkew retired some years ago, boasting that he had cleared Tls. 20,000 by this ingenious adaptation of the centre of gravity. We hope the issue of the present case will be to put a check upon the "little game."

A singular case of Chinese superstition cropped up at the Mixed Court some days ago Shortly after a man left a shop, a pair of silk trousers were missed and as this man was the only one who had gone out since they had been observed, he was pursued and challenged with the theft. He strenuously denied the charge, on which shopman, mentioning a temple hard by, proposed that they should go there, and if the accused made oath in the presence of the god that he had not committed the theft, this form of purgation would be accepted. The accused declined the proposal. He had not stolen the trousers, but he refused to make the solemn-attestation required. When the case came up at the Mixed Court, the Magistrate Chên thought the refusal to take the oath was a convincing proof of guilt, and ordered accused to pay $2.00, the value of the stolen garment.

A launch took place from Messrs. Farnham & Co.'s building yard at New Dock yesterday, at 1.30, being the top of the flood. It will be remembered by the older residents that 10 years ago, a small river steamer, the *Elfin*, built shortly before by Mr. A. G. Lambert, was seized by the Chinese at Kiukiang, when attempting to carry some despatches up river, on the pretext that she had not the requisite Custom House clearances. She continued detained at Kiukiang, and was made use of by the Chinese authorities there, and we believe a claim made by her owners on the Chinese Government for compensation still remains unsettled. During the interverning 10 years her hull gradually gave way to tear and wear, so that early this year it was deemed advisable to build a new hull for her engines. This has just been completed by Farnham & Co., built entirely of hard wood, so that it is likely to last, barring accidents, a much longer time that its predecessor. The launch was punctual to the minute and perfectly successful. It may be interesting to note that in the same yard we saw a trim and strong teak built steam launch of considerable size, which is expected to be ready for launching on Monday; and, on enquiring about it, we learned that it is the counterpart of one built for the Chinese authorities about 9 months ago, and which is said to have since gone further into the interior of China than any other vessel propelled by steam. The sister launch is intended for similar service—something to do with the Inland Revenue, we suppose. These facts, small though they seem, are hopeful signs of progress.

The other day a spirited young man had a chance of distinguishing himself. He found himself on board a trim and saucy, little steam launch, painted blue and gold, puffing and panting with high pressure to start on her voyage. And on board with him and entrusted to his guardian care was a real live mandarin, whom he was charged to place safely ("this side up") on board the old *Elfin*, which was then drifting down stream, some half a mile off, abreast of New Dock. Deeply impressed with the importance of his mission and the responsibility attaching to one who was at once captain, pilot, and chief engineer, the ambitious youth put his hand on the wheel and gave the signal to the engine man to go ah ad, with some of the feelings with which of old, Phaethon entered the chariot of the Sun and slacked the reins of his fiery steeds. And with much the same result. For while he watched with proud emotion the wonderment of the Mandarin at the speed with which the tiny steamer dashed along, distancing sampans and rowing boats of all descriptions, the half-mile was soon traversed and the launch neared the *Elfin*. Now was the time to made a grand *coup*, and astonish the mandarin by the deftness and dexterity with which he laid the launch alongside of the steamer. He did astonish him. Putting the helm hard up, the launch went round with a jerk, and coming right under the guards of the *Elfin* was capsized in an instant. The hiss of the heated boilers as the launch sank bodily down, the shout and sputter of the frightened mandarin as his dainty silks were drenched in the turbid waters of the Wangpoo, and the deep muttering of a Teutonic objurgation through the clenched teeth of Phaethon,—were the sounds next heard. Buoys, ropes and other appliances from the *Elfin* saved the old squeezer and the hopeful navigator. Divers were forthwith got who fathomed the abyss into which the misguided launch had sunk, and next morning she was hoisted up and beached, presenting as she lay on her oozy bed a melancholy contrast to the saucy, puffing, painted thing of yesterday.

The *Shaftesbury* has now, we hear, so nearly completed the repairs rendered necessary by her recent collision with the pinnacle rock near Swatow, that she is expected to come out of Old Dock to-day. About the same hour the *Blackadder* which has been getting re-masted, will leave the Dock at Tunkadoo.

By the present steamer leaves one of our best known and most respected fellow residents, Mr. C. P. Blethen, who accompanies his family to San Francisco, with the intention, after settling them comfortably in that neighbourhood, of returning to Shanghai about Christmas. Mr. Blethen, a partner in the extensive concern of Messrs. S. C. Farnham & Co. dockmasters, founders, shipwrights and general contractors has, resided here for 11 years and been one of our most public spirited citizens. For seven years he has taken the most active interest in our local Fire Brigade and has been been for four years Chief Engineer of the Department. For a more detailed statement of the extent to which he is appreciated in this community we refer our readers to a well merited encomium passed on him by Revd. James Thomas, at the meeting of the Shanghai Temperance Society of which Mr. Blethen is President, held on the 10th inst., and of which a report will be found below.

AMOY.

There is an excessive dearth of news just at present in Amoy, and were it not for that most convenient and fruitful subject the weather I should feel myself at a complete standstill. For the last ten days, contrary to all precedent, we have been having a strong north wind blowing, usually a north wind at this season is a sure precursor of a typhoon, and is generally so hot and stifling that twenty four hours of it is enough to almost prostrate the whole community. So far our experience of it this time has been a very pleasant one. We have had cool breezes that have seemed to bring us back our winter and made us forget for a time that we have been fairly launched into the midst of our long summer.

About forty miles west of Amoy a most singular movement of a spiritual nature has been lately going on, which is illustrative not only of the superstition of the people, but also of the easy way in which divinities are manufactured in China. A certain man going to the district city with a basket of crockery fancied he saw a woman sitting in the distance, close to the road over which he would have to pass. On arriving at the spot he found nothing but a large stone, which his imagination had converted into a woman. Fully convinced that he had witnessed a spiritual manifestation he made a vow to the stone that if it would secure him a good market for his crockery, he would on his return worship it with all the honours. It happened that when he got to the town, there was an unusual demand for such wares as his, so that he was able to the dispose of them at an unusual advantage; the man, of course, was at once convinced that the stone before which he had made his vow was the abode of some spiritual being. He accordingly returned and spread out the customary offerings before the stone, at the same time declaring his gratitude for the special service that had been done him. The news of this divine interposition spread like wildfire throughout the whole region, and tens of thousands of people gathered around the stone to make their offerings to it. A perfect mania seemed to seize upon the people for miles around. Crowds with every conceivable kind of ailment flocked together in the hope of getting relief. Sick persons died by the road of fatigue, boats containing pilgrims were upset and some of them were drowned, and yet the crowds hurried on undeterred by the fact that disasters were happening all around. The most wonderful cures it was said had been effected by the stone, and a a wild fanatical faith, such as one hears of in Mahommedan countries, worked almost to frenzy the crowds that hastened tumultuously to the scene of their belief. There is no knowing how long this might have lasted, when fortunately severe rains set in which had the double effect of dispersing the crowds and dissolving their faith at the same time. The priests and sorcerers for a time carried on a roaring trade, but the stone is now left to its native solitude, and though its late devotees are beginning to be ashamed of themselves, they will be none the less enthusiastic in going in again for some monstrous superstition which gives them the slightest promise of material relief.

It has recently been discovered by the ladies of this place that Amoy possesses peculiar facilities for sea bathing. There is one special spot on the Eastern end of the Island of Kawlongsu which presents in miniature any noted bathing place one may like to mention. It is so situated, that under the influence of the present mon-

soon, the waters of the China Sea break in pleasant waves upon it. There is, moreover, a most delightful breeze which blows right upon it, thus modifying the heat which might otherwise be oppressive. It is doubtless a slight drawback to the complete enjoyment of the bathing that those who take part in it must be down on the beach by four o'clock in the morning, as the sun has an uncomfortable habit of gazing down on this very spot at an unconscionably early hour. I may mention, too, that the fine sea breeze does not begin to blow till several hours afterwards. However, these are very minor considerations when one takes into account the enjoyment derived from the bathing, not to say anything of the advantage likely to ensue from the formation of early habits.

TIENTSIN.

24th June, 1872.

Our last news from Peking was to the effect that *Sunday* last was fixed for the reception of the Foreign Ministers by the Emperor, but another hitch and possibly two or three of them took place, took place in the interim, so that the Grand(?) consummation of this protracted and Protean diplomatic tournament has been postponed for a few days.

It is stated "on good authority" that one of the hitches aforesaid was as to the important matter of millinery—or upholstery. In other words—in what dress would the Foreign Representatives appear;—in full dress with side arms, or in plain costume?' Considering the number of meetings that may be necessary before those who are to wear the dress can come to an agreement about it and how many references may have afterwards to pass from the Tsung-li-yamen to the *Li-poo* or Board of Ceremonies as to the admissability of what they agree upon and the general pace at which diplomatic operations progress it need not excite surprise if this sumptuary preliminary consumed another "month of Mondays." That is not, however, the impression among the *habitué's* of our Legations, as one Minister is reported to have said in an unguarded moment that he expected to see the Emperor on Tuesday next (24th inst.) that is to-day. So that by next opportunity you may hope to receive the definite information that what has been so long left dangling tantalizingly in the near future and sometimes even in the paul-future—has at length attained the perfection of the preterite and the Foreign Ministers *have had* an Audience of His Imperial Majesty.

P.S.—Since the above was written more distinct and detailed information has arrived as to the *where*, *when*, and *how* of the First Audience.

The day fixed for the Audience was the 28th day of the present moon,—corresponding to our 22nd June (Sunday) but it had to be postponed, pending a question as to the uniform to be worn. The question lies between full uniform or plain dress. Another point ascertained is that the Audience will not be granted within the Imperial precincts of the *Forbidden City*; the reason diplomatically given being that the *Tsi-ho-tien*, or Imperial Audience Chamber is arranged for the *kotow*, and would consequently be unsuitable for a reception where the ceremonial will be a certain number and order of obeisances. The Audience will consequently take place in a Banqueting Hall set apart for the reception and entertainment of the envoys of the Coreans, Mongols and other *tributary* States at the New Year. This Hall is close to the French Cathedral on the west side of the Marble Bridge and close to the Lakes, well known to all who have visited Peking. It is hidden from view by the great red wall, built a few years ago to shut out from view the obnoxious proportions of the Cathedral aforesaid.

It is said that on the 21st inst. the Emperor went to the Temple of the Earth where our soldiers were formerly quartered. It is immediately outside the Anting gate on the North of the City. The night before he had spent at the *Yung-ho-kung* or great Lamasery, where Yung-Ch'êng lived before he ascended the throne.

The rumor was current among the Legations that the Japanese Embassy was not to be admitted along with the foreign Representatives. Ministers and interpreters were alone to be admitted to the Presence, an arrangement which, if it is a fact, must be rather disappointing to Secretaries of Legation. Some also say that *Chargés d'Affoires* will not be received,—which would exclude Germany and Spain but admit Holland. On the other hand this is thought unlikely on several grounds; among others because it has been the German Interpreter, Herr Bismarck, who has acted as interpreter for all the Ministers, throughout all the interviews that have taken place with the Chinese Ministers relative to the Audience Question.

Such are a few of the jottings that reach us here. There are a number of particulars added, which I do not insert, as they are destitute of the guarantees of credibility by which I consider those I have given are supported. No doubt a few days more will supply us with many additional particulars.

5th July, 1873.

The following account of the Audience given by the Emperor of China to the Ministerial representatives of Foreign nations at Peking on the 29th June, has been sent me by one conversant with the facts of the case:—

The Ministers of Russia, the United States, Great Britain, France and the Nertherlands assembled at 6 o'clock on the morning of the 29th June, at the *Pei T'ang* i.e. the Roman Catholic Cathedral, and from thence were conducted by our old friend Chung-How to the temple where the Emperor prays for rain. Here refreshments were served, and they were kept waiting for some little time, after which they were led to a pavilion near the Reception Hall. (As already explained this Hall is situated not in the "Forbidden City" where the Emperor holds his Court, but near the marble bridge across the Lakes outside; and is the place where the Emperor receives the Ambassadors of Corea, Siam, Mongolia and other tributary States.)

At length the arrival of the Emperor was announced and the Japanese Ambassador, who would appear to have been in waiting apart from the others, was first introduced to His Majesty, accompanied by his Interpreter. He read a short address which was briefly acknowledged by the Emperor, on which he withdrew. The other Ministers were then introduced in the order given above. Herr Bismarck was present as Interpreter and stood just behind Mr. Vlangally, the Senior Minister, or *doyen* of the Foreign Legations, who read in French a short address to the Emperor for himself and his colleagues. This address was then read in Chinese by Herr Bismarck, after which each Minister stepped forward and laid his letter of credence upon the table that stood in front of the Emperor, who bowed as each letter was laid there. The Emperor then briefly replied to the address, hoping that the Sovereigns and Rulers of the countries represented were enjoying good health &c, and acknowledging the letters which had just been presented. He then bowed and the Ministers withdrew. Thereafter M. Geoffroi, the Minister for France was specially presented to His Majesty, to whom he read and delived the letter of his Government in reply to the Emperor's letter carried by Chung-how to France. The Interpreter of the French Legation assisted at this interview. Everything passed off quietly. Many hundreds of officers of high rank were present, and lined the roads of the Imperial City. (This last remark makes us uncertain of the exact locality of the interview.)

Another account of the Audience says:—

The Ministers were introduced into the imperial presence by Wen-siang and the Prince of Kung. The Emperor sat on a throne covered with yellow satin and standing on a raised dais. A table stood in front of the throne also covered with yellow. The Emperor replied briefly to the address in *Manchu*, the Prince of Kung translating it into Chinese. The Ministers were escorted to their chairs by the members of the Tsung-li-yamen. Great numbers of officials and some Manchu Princes attendant on the Emperor were present, and the reception was public and polite enough, but no account of it giving the slightest hint of its special peculiarity—the omission of the *kotow*—has appeared in the *Peking Gazette*, which merely announced the day before that an Audience would take place on the 29th June.

There is yet another account of the affair from which we learn that the Ministers were kept waiting at the R. C. Cathedral nearly an hour. The Japanese Ambassador was received first with his own interpreter. This precedence had been accorded to him at the request of the other Ministers. After the latter had been introduced and their joint address had been translated by Herr Bismarck, each Minister advanced and put his credentials on the yellow covered table before the Emperor, who bowed once as each letter of credence was put on the table. After this, the Prince of Kung knelt before the Emperor as he translated into Chinese the reply made by the Emperor in Manchu. Princes and many officials of the first rank was present and the streets adjoining the Reception Hall were crowded. All the Ministers wore full Court dress, except the American Minister who wore an evening dress, that being the American equivalent of Court costume. Before the Audience took place the *Peking Gazette* contained a short notice to the effect that on such and such a day the Emperor would repair to such and such a temple *and give an Audience*,—not mentioning to whom. The 3 *Gazettes* that have appeared on the 3 days succeeding the Audience contain,—so far as I can learn from a well informed quarter—*nothing at all* about the Audience.

The sight was a very grand one. No less than 800 mandarins are said to have been present.

CHEFOO.

We have lately had enacted here one of those games at "hide-and-seek" that are almost sure to occur whenever foreign progress comes in contact with the obstructive officialism of China.

You probably remember that during his tour of inspection round the open ports of China last summer, Inspector-General Hart, accompanied and assisted by Mr. D. M. Henderson, Chief Coast Lights' Engineer, visited the coast of Shantung and selected as a position for one of the series of Light-houses now in course of construction from the Tonnage Dues Fund, the N. E. point of the Shantung Promontory. The suitableness of the site had ages ago been recognised by the Chinese, for from time immemorial a native watch-fire or beacon (*yen-taou*, lit. *smoking head*) had stood on the same headland, while a short distance below a temple stood dedicated to the *Kwan-yin* (Goddess of Mercy) where mariners invoked protection and suspended votive tablets. Mr. Hart duly reported the selection of the site for the new light-house to his superiors of the Tsung-li-yamen, who approving of his choice in due course sent a despatch to Kung the Taotai of the circuit in which the Promontory is situated, instructing

him to purchase the site for the Government. The Taotai gave the requisite directions to his subordinate, the Chehsien of the district in question, who sent notice accordingly to the holders of the land who resice in a village close to the selected spot. An indignation meeting was immediately summoned at which I presume resolutions were duly put and carried *a la Chinoise*. The practical issue was that the "Fiery Cross," or something analogous, was sent express among the neighbouring villages, and when the Chehsien arrived on the scene to make the necessary arrangements for the transfer, all the people of the district appeared to have assembled *en masse*, and declared to the Magistrate their firm determination never to surrender or sell their land for the erection of a light-house built on the foreign model and supervised by foreigners. The magistrate yielding to this popular demonstration retired and reported to the Taotai, who in turn reported to the Tsung-li-yamen the position of affairs.

A short time ago arrived here Mr. James Hart, Commissioner of Customs at Tientsin, specially deputed to attend to this business, who accompanied by the Taotai and the Chief local military Officer, went down to the Promontory in the steamer *Feiho*, in support of which went the Chinese gun-boat stationed at this port. It was known that their business was to carry out the purchase of the required site in terms of the intructions of the Tsung-li Yamen, and to make the other necessary arrangements for the commencement of the work. But this imposing array of official authority seems only to have more strongly developed the local opposition to the project; for on the arrival of Mr. Hart's party on the ground, a more powerful demonstration of the natives than before took place, and a protest against the intended project was made in so effective a manner that Mr. Hart and his co-adjutors deemed it prudent to return to Chefoo. We have since heard that it has been resolved to abandon the proposed site, and to erect the Lighthouse on the island of Alchester, should a practicable foundation be obtained there.

Now, there is little doubt that could those speak-the-language men and others in China and Europe who form their opinions of the Chinese from the utterances of their sages and the well-turned periods of their public documents, get a perusal of the reports sent by the Chehsien to the Taotai and by the Taotai to the Tsung-li-yamen, they would conclude that these two officials had been most energetic in their efforts to carry out the instructions of the Yamen; and their giving way to the representations of the villagers of the Promontory would be quoted as an addition to the many alleged proofs that the government of China, though nominally despotic, is practically a democracy. But those whose view of the Chinese officials has been formed on a close observation of their ways, will feel guilty of no want of charity when they assert that, along with the mandate of the Yamen, Kung Taotai sent to the Chehsien, a polite yet plain intimation that he must contrive "how not to do it;" and that the popular demonstrations were simply the result of the means employed to carry the known wishes of his local superior in opposition to the instructions of his official despatch. Those acquainted with official ways will see this at a glance. But as a proof of this view, it has only to be stated to the uninitiated, that all these villagers being in arrears with their land taxes, their land legally belongs to the Crown, and the Taotai had merely to hint to them that that right would be enforced in order to secure immediate concurrence in the selling of the land for a fair price. Further a mere allusion on the part of the Magistrate to the stranding of the *Yuen-tze-fei* some years ago, and the wrecks of the *Vondel* and *Southland* subsequently, in connection with which casualties these villagers notoriously acted a part that brings them under the lash of the law,—in order to make them glad to do anything the Taotai wished. The fact that the popular voice was allowed to triumph is, therefore, conclusive proof of the source whence it drew inspiration for its utterances.

And so the materials for a lighthouse so important to the safety of the Northern coasting trade, which have already lain some two years in Chefoo, have apparently a chance of lying in godown some time longer.

In the SHANGHAI NEWS-LETTER *will be published all communications or correspondence addressed to its Editor bearing fairly upon the present Political and Religious States of China or giving a faithful record of current events.*

DOMESTIC INTELLIGENCE.

BIRTHS.

At the French Legation, Peking, on the 14th June, MADAME DE GEOFROY of a son.

At Shanghai, on the 4th July, the wife of F. O. HANISCH, of a daughter.

On the 9th July, at Sun Loong, Shanghai, the wife of WILLIAM BRYCE CHALMERS, Esq., of a son.

BAKER—On the 16th May, at Winchester, the wife of Capt. E. J. Baker, P. and O. Company, of a son.

SYMONS—On the 19th May, at Upland, Colombo, Ceylon, the wife of C. E. H. Symons, of a daughter.

MARRIAGES.

On the 24th June, on board H. B. M. S. *Cadmus*, at Hiogo, by the Rev. A. S. Malet, Chaplain, assisted by the Rev. Canon Butcher, WALTER GRAHAM to EUGENIE LOUISA CLARKSON RAINFORD, both of Hiogo.

on the 2nd July, 1873, at H. B. M.'s Consulate, by Marcus Flowers, Esq., Consul, and afterwards at the British Episcopal Church, by the Revd. H. Burnside; FREDERICK ANTONY POTTER, B. Sc., fifth son of William Potter, Esq., of London and Derbyshire, to FLORENCE BESSIE MARSHALL, elder daughter of the late William Higgins, Esq., of Northampton.

DEATHS.

At the General Hospital Shanghai, on the 5th July, HUGO REHN.

On the 14th June, at Yokohama, in his 23rd year, JOHN ASPINALL WYLIE, fourth son of Henry Johnstone Wylie, of Oxton, Cheshire.

June 20th, at No. 83 Main Street, Yokohama, Mr. JOSEPH CURNOW, aged 35 years.

In Yedo, on the 26th June, 1873, at Ueno, of Consumption, MAX. MILITZER, Esq., German Consul at Nagasaki.

BURT—On the 17th May, at Devizes, Thomas Jacob, son of Joseph and Elizabeth Burt, late engineer in Japan, aged 28 years.

SHERARD—On the 16th May, at Abbotts Langley, Herts, Robert Bringhurst Sherard, late of Hongkong, aged 50.

The Shanghai News-Letter

SHANGHAI, JULY 12, 1873.

Of a cosmopolitan character in its bearing and interest is the Audience which at length has been granted by the Emperor of China to the duly accredited Representatives of Foreign nations at Peking, to which we alluded to in our last as about to take place. The Audience was originally fixed for the 22nd June; but owing to various hitches, one of which appears to have been as to the dress the Ministers should wear, and another as to the footing on which the Japanese Ambassador was to take part in the ceremony, it was postponed till the 29th, on which day, we have since learned, it actually did take place. It will be observed that both the days thus fixed for the Audience were Sundays; but whether this was the result of mere accident or of a regard to the convenience of the Emperor, or whether, as some are inclined to think it was another of those petty indignities which the Chinese seem to have been eager to mix up with their concession of the right of Audience, we are unable to say. In any case, a closer examination of the curt Imperial Edict announcing that an Audience would be granted, (which, with a translation and notes, we give below) strongly confirms the opinion we expressed in our last letter, of the studied use of derogatory language by which it is characterised; while a perusal of the first of the two letters from Tientsin, which will be found elsewhere, discloses many little circumstances showing that the arrogance of China even when conceding a right long withheld, has not been confined to to mere words. And yet, when we read the second letter from Tientsin in which the actual Audience is described, it seems to have been on the whole as satisfactory as could have been expected. Yet our experience of Chinese chicane is such that we feel almost certain that, when we obtain fuller particulars of the interview, it will be found surrounded by many circumstances, petty to the mind of a Western, but of great significance to the Oriental, by which the prestige which this concession was expected to confer on foreigners will be shorn of most of its power. *Timeo Danaos et dona ferentes.* One little fact is already noticeable as pointing in this direction. In the *Peking Gazette*, with its accompanying *Court Circular* in which the whole programme of the Emperor's goings and comings are set forth with tedious minuteness, the only notice taken of this diplomatic revolution which threatened to convulse the foreign relations of China, was a line the day before the interview took place, to the effect that to-morrow the Emperor would go to such and such a temple and grant an audience,—Nothing more. It did not even say to whom. Now, the mere non-publication in the official organ of the Government of the fact that the foreign Representatives have been admitted to the presence of the Emperor, will be sufficient to deprive it of all political meaning or effect, especially in the provinces. Up to the last moment, literati and officials in and around Shanghai, where the wealth and power of foreign nations is comparatively well known, have treated the idea that the right of Audience would be conceded to them as an absurdity little short of sheer insanity; and the non-publication of any account of the interview in the official *Gazette*, which they all peruse with eagerness, will confirm them in the belief that the statements of foreigners as to the Audience having taken place are so many "inventions of the enemy." We hope, therefore, that the foreign Representatives, however meekly they may have endured derogatory names and petty indignities, will not fail to insist on the due performance of a matter of such vast practical importance, as an official notification of the fact that the right has been conceded to foreigners of appearing in the Imperial presence,—without which, indeed, their mere formal reception in a temporary pavilion, outside of the Imperial City, will be barren of the beneficial results expected to arise from it.

Our information does not enable us to say whether the Hon'ble F. F. Low, the Representative of the United States, took any distinctive part in the negotiations that have led to the result above indicated. We presume that he has simply gone hand in hand with his Western colleagues. Indeed, as will be observed, the diplomatic body used only one Interpreter,—Herr Bismarck, of the German Legation,-in their negotiations with the Tsung-li Yamen. And this fact will abundantly explain the length of time over which the negotiations extended. For, however greatly this combined action might add to the moral force of the demand made by the foreign Representatives, it would obviously require no small amount of time to reconcile the ever diverging views of eight or nine different men, so that the exact terms of their demand could be adjusted. And this cause of delay would be

peated with every new modification of the ms, proposed by the Tsung-li-yamen. In- ed, according to some who have means of ac- rate information, the negotiations might have en protracted almost indefinitely, but for the portune appearance on the scene of the panese Ambassador, high in rank, trammelled no co-operative policy, and having as his plomatic adviser General Legendre, whose owledge of Chinese character, and energetic bits were so well illustrated in his dealings ith the Formosans, when he was U. S. Consul Amoy. It is understood that when the ne- tiations between the Japanese Ambassador d the Tsung-li-yamen, threatened to run into dless contentions about petty details, he cut e matter short, saying that the claims of the blic business in Japan did not admit of his ending much time in China, that such and ch were his demands, and to such and such oposals of the Yamen he would agree and others be would not. With this ultimatum left them to deal. They must have en that to have allowed him to depart honoured by failure might prove a serious under should war hereafter arise with the tions of the West. It was less galling to em to grant the concession demanded, first of l, to an Eastern nation, using to a large extent eir own language and literature. By such con- derations as these, we believe, was the Audience uestion at last brought to a formal settlement. e shall look with interest for further details f the first interview and for any indications here may be of political influences springing rom the new order of things which has been naugurated.

THE AUDIENCE EDICT.

上

諭 總 理 各 國 事 務 衙 門 駐 京 各 國 使 臣 見 著 各 國 公 使 駐 劄 北 京 請 覲 現 有 各 國 使 臣 見 在 書 內 稱 其 國 之 貴 一 呈 遞 國 書 各 等 語 致 准 覲 此

(Translated from the Peking Gazette.)

AN IMPERIAL EDICT.

The Board of Foreign Affairs have memorialised to the effect that the foreign Ministers (1) (lit. public emissary) residing (2) in the Capital have urgently pressed (3) for an audience in order that they may present letters from their Governments. Let now those Ministers residing in the Capital who have brought letters from their Governments be admitted to Audience.

Respect this!

(1) 使臣 is not as respectful a term as 欽差, and is never used by the Ministers of the Tsungli Yamen in addressing the Foreign Ministers. A Sovereign speaking of his own envoy may use 使臣, but in applying the term to the Minister of another state, a certain superiority is implied. In the Edict appointing Mr. Burlingame to proceed to foreign countries, when his former position of U. S. Minister is referred to 使臣 is used; when speaking of his appointment as Chinese Envoy 大臣, meaning High Minister, is employed.

(2) 駐京 implies temporary residence at Peking—as if, the object of the mission being over, the Ministers would retire from the Capital. Still, as the term is used by Foreign Ministers and Consuls in speaking of themselves, the expression here conveys no unusual meaning.

(3) 懇請; implies that the Ministers have been loud in their entreaties for an audience, and this being made the ground for granting it, the expression leads one to suppose that the audience is granted as a matter of favour and not of right.

The whole tone of the Edict is not as satisfactory as could be wished; and far from giving promise of unlimited audiences it smacks of "once for all, and have done with it."

NOTES OF THE FORTNIGHT.

THE SHANGHAI TEMPERANCE SOCIETY.

The last of the Meetings of this Society, which have been maintained with such regularity and, on the whole, with such success, every week since October last, took place in the Society's Hall last night; Mr. C. P. Blethen, President, in the Chair. Though admission was on this occasion by ticket, price one dollar, with the view of raising the means of paying off all outstanding claims on the Society, the Hall was crowded in every part, some being unable to obtain seats. The evening, fortunately, was exceptionally cool, so that those present did not seem to suffer from the heat.

After an opening chorus by the members of the Society, the five Negro Minstrels from the U. S. S. *Iroquois*, who did such good service at last week's Meeting, were called on, and by their lively and picturesque-grotesque performance put every body in a pleasant humour. Twice again in the course of the evening they gave specimens of their characteristic melodies, in which the comic and the pathetic are so singularly blended, and in every instance the audience marked their appreciation by a not-to-be-refused encore. It was especially interesting to note the mingled wonderment and mirth of the young folks, many of whom were present,—one little maid of five, unable to restrain herself, exclaiming "Oh, so funny." Some gentlemen amateurs of the Glee Society raised the meeting to a higher mood by rendering Kreutzer's quartett, *The Chapel*, with great power. At a later period of the evening their rendering of Cramer's "How can I leave thee?" elicted a warm encore to which they responded by giving Lorenz's Song, "Banish, O maidens."—

After a portion of the above musical entertainment had been given the Chairman called on

Mr. H. Lang who briefly addressed the meeting. He said he was put down on the programme for an "address," which seemed to him rather an imposing title to give to the one or two remarks he wished to make on two subjects which seemed to him to have an important bearing on the well-being of the Society. He had to state, as so many who had addressed them had done, that he was not a member of the Society. He held only what might be called a second class ticket—was what, by the constitution of the Society, was called an "Associate." In other words, he so far approved of the principles on which the Society was based, and of the main objects it had in view, that he heartily sympathised with the Society, and had given it, and hoped to continue to give it all the assistance he could. This led him to the first subject he wanted to say a word about. He had heard very zealous members of the Society objecting to any except Total Abstainers addressing them at these meetings. He thought there were not many who took this extreme view. But a larger number seemed to think that if a non-abstainer did address them, he ought to refrain from making any statement of the reasons which prevented him from becoming a strict tetotaller; ought in short to avoid saying anything contrary to the total abstinence confession of faith. Now, he thought a little reflection would show that the Society might derive some advantage from being occassionally addressed by non-abstainers. First of all, the very fact that such men were willing to come and address them showed that they approved of their main objects, even though they might differ from them as to some of the means by which those objects were to be attained. Then, their very differences of opinion introduced into the meetings an element of variety, which was greatly needed to keep alive their interest and thus contribute to their continuance and success. By this means, too, an opportunity was given of subjecting their principles to the bracing influence of friendly discussion; another advantage consequent on the admission of non-abstainers to their platform, was that it tended to secure on all sides a greater precision and guardedness of statement than was likely to prevail when speakers stood in no fear of criticism, and every fervid utterance was rewarded and stimulated by expressions of applause. And he held that this was no small benefit; for he was of opinion that the Temperance movement had suffered far more from the extravagant language of zealous but unwise advocates than it had done from hostile criticism. And, not to dwell further on the advantages to be derived from the liberal policy pursued by the Society in the matter now under notice, he would mention only this obvious one: that it afforded them a reasonable prospect of adding to their total abstinence membership. For by providing a sort of "Court of the Gentiles" for the accommodation of non-abstaining friends, they put the latter in the best position for hearing and appreciating the arguments they had to advance in favor of strict abstinence, and they might fairly hope that, listening to these and seeing in the working of the Society a practical illustration of the benefit to be derived from an entire disuse of alcoholic beverages, the Associate would in due time emerge from his chrysalis condition into the full panoply of an efficient Member.

The other matter on which he had wished to speak was one that had been several times alluded to by former speakers, but had never yet received that express and full and connected consideration which he thought its importance deserved. He referred to what might be called the Positive side of the Temperance Movement. His other engagements had prevented him from doing more than glancing at one or two ideas on the subject, but he would be glad if afterwards the subject was taken up and dealt with in its manifold aspects by persons qualified by experience to deal with them. They would see that the terms Total Abstinence and Temperance were negative terms. Their mission was, in the first instance, destructive. Abstainers and Temperance men were banded together to battle with and overthrow the use of alcoholic beverages, to secure the disuse of them by individuals and in social intercourse. So far, so good. But suppose they got a number of men who had been more or less the votaries of these prevalent drinking usages to discontinue them, would that be enough? The men had still leisure hours to spend, and it was a strong point with Total Abstainers that they would now be more likely to have money at their disposal. They were still liable to the inroads of fatigue, loneliness, care and sorrow; they still had a natural longing for enjoyment, which could only be had from something that would stimulate their jaded spirits. The pleadings of the Society had induced them to turn away from the dangerous fountain with draughts from which they had been accustomed to give zest to their leisure, to secure a temporary respite from fatigue and care, and to send the blood pulsing with livelier flow through brain and body. From all this Total Abstinence and Temperance as generally understood debarred them. It was only fair, therefore, that Temperance men should provide some substitute of a more healthful character. They had induced these men to give up bad habits, but their task would be less than half done unless they also assisted them to form good ones. For if they did not, not only would the half, and the better half, of the work of reformation, be left undone, but it would follow almost inevitably that even the negative good gained would soon be lost, and in the emphatic language of Scripture "the dog would return again to his vomit,

and the sow that was washed to its wallowing in the mire." This was the reason why so many Temperance Societies, after a short period of fair promise and rapid growth, drooped rapidly away and died. At first the novelty of the thing, the fresh remembrance of the misery and disgrace that follow excess, and the companionship of like minded men, kept the newly made abstainer true to his pledge. But unless new habits and tastes were meanwhile formed and fostered, as soon as those initial influences were withdrawn there would be a relapse, and there was reason to fear that the last state of the man would be worse than the first.

So clearly was all this perceived by the Temperance Reformers of Scotland that, as early as 1850, the Directors of the Scottish Temperance League inaugurated at Glasgow a series of Saturday Evening Concerts, which had, he believed, been kept up till the present time, and to which the most distinguished singers and other professional artistes were brought down from London. Cheap excursions by steamboats and trains; Art Exhibitions, Readings, Lectures, &c. &c. had also been organised by the same body, on the colossal scale that its large resources render possible. The example had been followed in all parts of the country; and the marked elevation of the public taste in matters of social enjoyment was one of the proudest achievements of the Temperance men of Scotland, besides being obviously and powerfully auxiliary to the grand central object for which they were organised.

He had said at the outset that this Positive aspect of the Temperance Movement had not before been made expressly the subject of an address before the Shanghai Society. But if they had not spoken about it they had done far better;—they had worked towards it; and indeed, the positive results they had already achieved he regarded as the most promising feature of their Society. To it they owed the existence of that Institution in which they were now assembled, with all its appliances for the comfort, amusement, improvement and enjoyment of those connected with it; and his main object in bringing the subject before them was that they should follow up this positive department of their work more definitely and vigorously than ever. Some of the most gifted men that had ever lived had spoken and sung the praises of strong drink in "thoughts that breathed and words that burned." As a Scotchman he was familiar with the wonderful effusions of Burns on this subject. (He read some extracts). It would be observed how, with the artistic tact of genius, he selected only those aspects of the subject that were exciting and attractive. But he left entirely in the back ground, all the evils, mischiefs and miseries that formed the heavy reckoning paid for the pleasures of alcoholic indulgence. He (the speaker) was afraid, however, that notwithstanding great advances made since Burns's time, the great preponderance of mental force was still on the side of existing drinking customs. He could not, therefore, ask the Society to attempt to fight the praisers of alcohol with their own weapons, or to write Temperance songs that would outvie the drinking songs of the poets. But they could do far better. Let them take up earnestly the positive side of their work which he had faintly sketched, and on which they had already entered; let them diligently use all the means for improving, refining and cheering each other and their fellow residents that were now at their disposal, and constantly seek to increase and perfect these; and when they showed that men who had entered on the course of self-restraint and self-denial to which Temperance called them, could be as laborious, intelligent, successful, useful, merry and happy as those who sought stimulus and enjoyment from alcohol—and even more so; they would greatly advance among this community the cause they had at heart and, cause men to ponder on the profound truth embodied in the words of the poet:

> "The cheapest pleasures are the best,
> And nothing is so costly as Sin."

After some music by Messrs. Morgan and Scheppelmann the Chairman called on

Rev. J. W. Lambuth who addressed the meeting at some length. We are sorry we can give only a summary of his remarks. This was the first time he had addressed them, and he had been only once or twice at their meetings. But he was ever with them in spirit and they had his cordial sympathy. He had been 25 years a Total Abstainer and if spared would be so for as many more. He was sorry there were those connected with the Society who did not go the length of Total Abstinence. But he was glad that to be a member a man must be a total abstainer. His mind was clearly and strongly in favor of *total Abstinence*. "Touch not, taste not, handle not," should be the motto inscribed on their walls. Down with strong drink, said he. It was called often "the cheerful glass," but what a cup of bitterness it proved to many! He proceeded to point out how terrible and manifold were the evils it entailed on man individually, domestically and socially, and called on the members of the Society to plant themselves as bulwarks against the hurricane that was sweeping over the land. He then proceed to relate a narrative in which the personal and domestic miseries entailed by drunkenness were painfully illustrated; and called on women, as God's angels of mercy on earth to take part in the good work of uprooting this fruitful parent of all vices. He ended by congratulating the Society that so many ladies were present, giving their countenance to the truly noble work for which the Society was organised.

After another interval of music.

Rev. Robert Nelson in response to the Chairman addressed the meeting at considerable length. We can give only a general outline of his remarks. He referred to the numerous points of view from which the subject of alcoholic beverages might be regarded. One speaker had drawn attention to what might be turned the negative and positive aspect of the opposition to these indulgencies. Another had presented a view of it that came close home to the bosoms of all; for who was there that had not some relative or friend enslaved by a deadly appetite for strong drink! It was an important thing that each one should deal with that special aspect of the great work which appeared to him most striking, or with which he was most conversant. One thing certain was that nothing of any value would be accomplished without genuine, earnest, persevering Work. And he would take these four letters w-o-r-k as a convenient mnemonic arrengement to describe the manner in which the work should be done.

1. W.—It must be done Wisely. The ground must be carefully surveyed; the end desired must be steadily contemplated, and the means used to attain that fend must be carefully selected and judiciously used. He remarked how many men worked earnestly who did not work wisely, using the case of Jacob Astor, the millionaire as an illustration. He then referred to certain strictures of a newspaper which proposed that the members of the Temperance Society, instead of meeting and talking over their principles, should go to the grog-shops of Hongkew—there were 50 of them within a few hundred yards of his own door—and pull them down about the ears of their proprietors. But in addition to the lawlessness of such a course, where would be the wisdom of it? The only result would be that these people would move to a more peaceful neighbourhood and start afresh. No; the wise course was to labour to produce such a healthful tone of public sentiment that these miserable and misery-producing establishments would, perforce, be closed for want of support, and their proprietors be forced to adopt some more respectable course of life.

2. O; they must work Orderly. Their work must not be done by irregular, spasmodic efforts and the action of isolated individuals. There must be wise combination, concerted and concentrated action, shoulder to shoulder and hand in hand. It was only thus that any impression could be made on the inveterate evil with which they had to contend, and which by the force of long continued usage had taken such a hold of society.

3. R; they must work Rightly. They must not do evil even that good might come. Much as he abhorred and loathed the liquor traffic that would not warrant him in doing wrong to those engaged in it. They were, after all, not worse than those who supported them in such a wretched mode of making *a living*. What a terrible misnomer was involved in giving such a name to what was only heaping up death for those engaged in it! No; they must take their stand on their right to insist that no man should be allowed by his business to do wrong to his neighbour, and this the dealer in strong drink did in many ways.

4. K; they must work Kindly. Much as he blamed the dealers in alcoholic drinks, he pitied them still more. Many of them did not know the evil they were doing; their conscience was blinded. Yet most certainly, great as was the harm they did to their customers, they would find at last that they had been doing much more harm to themselves. It was a great mistake for writers in newspapers to suppose that they could remedy this great evil by a few wipes of the pen or a few scornful words. No good would ever be done by abuse. It was by kindness that their wise orderly, righteous working would be welded into an effective whole.

Finally, as this was the last time Mr. Blethen would preside for the season, and indeed for some time to come, he must take the opportunity of congratulating him on the success which had hitherto attended the work in which that gentleman had taken such a prominent and effective part. Why, that very building in which they met was a standing monument of the vigour and success with which he had laboured. But a few weeks ago and this place had no existence, and the appearance it now presented, thronged with representatives of ever section of this community, all of whom had willingly paid for admission (over 300 tickets were sold) showed how widely felt a want in the community this institution had come to supply.

The Chairman said his name stood on the programme for an address, which he would be very glad to give if he felt qualified. It was 29 years now since he left his father's house to face the world for himself; of these he had been 15 an abstainer; and of these 15 he had spent 11 in Shanghai. He thought he might say he had worked as hard as most men, yet it was a fact worth noting that for 7 yesrs in Shanghai he had never had a headache or any ailment, summer or winter. He had become a member of this Society as he might say by accident. He had made up his mind not to join it; but when he found a number of sailors and zealous young men ashore struggling bravely on through early difficulties, he felt he ought to give them what help he could. But, just as in America the cause of Temperance was on the whole a failure till the clergy took hold of it and gave it their advocacy, so had they found here; and it was to the clergymen of Shanghai that they were largely indebted for the position they now occupied. Mr. Nelson had been good enough to give him a great deal of the credit of having set that Hall

foot. But in truth the credit was much more due Mr. Nelson himself, for it was he that first gested the idea, and had started them on ir work wisely, orderly and kindly. They ded $2000 to carry out their scheme, and he happy to say that now all the fittings and nishings they saw around them were paid for they had money enough in hand to pay all they owed. But they hoped to do better They needed a larger and a better house they meant to have it (great applause.) y would pause a little during the hot weath- and then they must go to work again. He t not sit down without saying how much were indebted to the ladies for their kindly and countenance. He begged to thank m all for the kindly feeling they had al- s shown towards him, and he hoped after a months spent in America to join them again their work.

Revd. James Thomas at this point rose and ke to the following effect :—

From what we have just heard we learn that are about to lose for a time the President of Society. We cannot allow him to leave hout giving expression to the feelings of esteem and affection in which he is held by and the sincere regret we feel at losing ser- s so valuable as his have been. Mr. Blethen l be followed by our very best wishes for his ure welfare and happiness. Yet, while we re- t his going, in so far as it will be a loss to rselves, we cannot withold our hearty congra- lations that he has lived to see the time when, the reward of many year's toil, he is able to rn to his native land freed from the cares of siness life.

We have listened to some stirring words about ork "—You will all agree with me in saying our President that he has been emphatically worker. He has worked with unabated en- siasm in connection with the operations of Society and we shall greatly miss him when is gone. It is, however, something to missed. How many there are who re- ve to another locality to reside, or who e removed from the world in which we e, who are never missed, who pass ay without any vacancy being felt in ciety, or a single tear of regret being shed er their graves! Mr. Blethen will be missed. e will be missed as we have said, in this So- ety. He will be missed also by the whole mmunity of Shanghai. He has taken an ac- e part in some of the public institutions of e Settlement—notably as Engineer of the Fire rigade, and his active services in connection ith that and with other public bodies will be issed. And he will be missed by many a pri- te individual who has found in him a warm- arted friend. You know that in our native nds when walking out in the twilight of a mmer's evening through fields or lanes, there borne upon the gentle breeze the fragrant lours of flowers that closed when the sun went wn—the perfume living on hours after the wers retired to rest. It is no fulsome eu- gy of Mr. Blethen to state that in is way I have often discovered his warm arted sympathy, and bountiful charity,— vealed by the fragrance they left in the hearts d the homes where they were wrought at rst. It is a great thing when success in life es not wither up all human sympathies. The eighbourhood where my collegiate course was ent affords a very striking illustration of some en's lives. There is near to the College a reat number of large trees—or large trunks, at have grown to considerable proportions— ey are not troubled any more with searching e ground for moisture for their roots—they ve got bravely over that—but all the vitality ey have is on the outside. The cattle can find no grateful shade beneath their straggling branches, nor can the birds find foliage dense enough to conceal their nests. How many men there are like that—great in bulk only—but lifeless, heartless, useless. Happily there are others that are green with foliage or bloom in beauty, or are rich with ripened fruits. Really we must be the one or other—useful or useless—water that does not run and thus give life to growing things, must stagnate and breed poisonous miasma, so that they who live in the neighbourhood inhale disease at every breath. You cannot be neutral. Nor is it true to say that your failings only concern yourself. Suppose a man with an umbrella that had holes in it, in a pitiless storm should say "Oh these holes!"—And the umbrella should say, "They concern me and not you." The man, surely, would feel that every drop of rain that came through concerned him. And every evil influence that passes through our leaky characters concern those who are injuriously affected by them. But I am trespassing on your time. What I have said has been suggested by the social usefulness of the gentleman who takes his leave of us to-night. I am sure that you will unite with me in wishing for his family, as well as himself, a prosperous and safe voyage, a happy meeting with friends, and a career of prosperity and usefulness for many years to come.

Mr. Blethen gave renewed expression to his thanks.

A lady and gentleman then favored the meeting with the charming duet of "Good Night" accompanied on the harmonium.

Mr Lang proposed a vote of thanks to the Gentlemen Amateurs and the Minstrels; making special reference to their obligations to the lady; which being warmly responded to, a most interesting and successful meeting was brought to a close.

JUDICIAL OATHS AMONG THE CHINESE.

A Naval Court Martial has for some days been going on, on board the U. S. S. *Lackawanna* to enquire into certain parts of the conduct of Commander Rowland of the U. S. S. *Palos*. We learned only on the 8th inst. that it was open to the public and going into Court when the case appeared to be drawing to a close, witnesses for the defence being in course of being examined, we fear that the fragment of evidence we give below, will not throw much light on the case against Commander Rowland. The main charge appears to be that he contracted debts so far beyond his means of payment that he had to make arrangements for their payment that compromised the character of the Service to which he belonged. But the evidence of Mr. Murray H. B. M. Acting Vice-Consul at Shanghai, on the subject of the use of judicial oaths among the Chinese has an interest of its own, apart from its bearing on the case before the Court, and we accordingly give this fragment of evidence as we took it down in Court :—

Edwin Steward sworn stated—I am assistant paymaster; one year on the Asiatic Station, at present attached to U. S. flag ship *Hartford*. I consider that an officer may be said to have stopped his allotment when he requests its discontinuance of the paymaster, though the allotment itself is not stopped until the Navy Agent ceases to make payments upon it.

J. G. Murray sworn stated :—My name is John Gillespie Murray. I am Her Majesty's acting Vice-Consul in Shanghai and Assessor of the Anglo-Chinese Court. I entered the Consular service in 1861. I have during that period had much experience amongst the Chinese, having been in constant communication with them. I speak the Chinese language; I graduated as an intrepreter in the Chinese language in 1863. It would puzzle the best sinologue to tell how many dialects there are in China. I am not in a position to say how many there are. I know of about 10 or a dozen myself. It changes every 100 or so miles of territory. I am personally conversant with Mandarin in several variations; other dialects I know something of, but I do not profess to speak them properly—In our service we are moved much about and pick up a little of the local dialect of each place we go to. There are several forms of oath among the Chinese. I cannot tell you how many, to within one or two. The commonest form of oath is what is know as the *tui-t'hien-tee;* i.e.-*swearing by Heaven and earth*, another form is that of slaying a fowl, and at the time of its death making a statement. A third form of oath is that which is used in the British Supreme Court of China and Japan, in which the words of the oath are written on a slip of red paper, and repeated by the witness and afterwards burned in the flame of a candle. (Specimen produced and translated as follows: "What I am about to say is altogether true. I dare not lie. Should I lie, I might deceive men, Heaven I cannot deceive, and I wish that Heaven should inflict on me its heaviest punishment (if I do not speak the truth.)" There are several other forms that I have seen practised, but I don't know that I could describe them in detail as I have done the one just given. An oath is sometimes sworn on a broken saucer. The saucer is taken in the hand; an oath is repeated, the terms of which vary according to the circumstances; as soon as the form of the oath is complete, the saucer is dashed upon the floor, the theory of the oath being that the life of the person who swears falsely shall be utterly damaged beyond repair as the saucer has been. The oath referred to in Harwood, page 96, appears to combine some characteristics of both the oaths I have just described. It is substantially the same as the latter. The Chinese sometimes swear by pieces of stick, which is called by the Chinese "breaking the arrow," but I don't think that is taken in courts of justice, but simply between man and man. The Chinese inflict immediate punishment on perjury committed in a court of justice. A Taoist is a kind of Chinese rationalist; but it would take long to explain what that means. Taouists are looked on in China as a low class of people. (The Chinese have a proverb which runs thus 僧道尼姑俱無罪就該殺 *Seng, Tao, Niku, kaia wu-tsui chiu kai sha* i. e. "A Buddhist priest, Taoist, a nun and a blind man, deserve death apart from any specific crime.)'

NAVAL INTELLIGENCE.

The flag ship *Hartford* is in port, but is expected to leave shortly; destination not yet known. The other vessels in port are the *Lackawanna*, *Iroquois*, *Monocacy* and *Palos*. A Naval Court Martial has been held on Commander Rowland of the *Palos*, who it will be observed returns to America by the present Mail.

STATISTICS FROM THE CONSULATE GENERAL.

For quarter ending 30th June, 1873.

No. of vessels entered,		196
Tonnage entered,	Tons.	226,134
Value of manifests filed,	Tls.	11,946,900
No. of vessels cleared,		185
Value of export manifests filed,		12,742,200
No. of invoices certified,		54
Value of same,		145,909.65
No. of Police cases heard,		62
No. of commitments,		42

U. S. CONSULAR COURT.

July, 8th 1873.

Before O. B. Bradford Esq., Vice-Consul-General, and Dr. Yates, Assessor.

U. S. People v. Charles Mills.

Defendant was brought up on a warrant of arrest issued on the complaint of Annie M. Mills. The indictment charged defendant with threatening to kill his wife on the evening of the 6th July, 1873. 2. With taking a knife and attempting to stab, wound or cut the person of his said wife. 3. With cutting and wounding his said wife, with intent to do her grievous bodily harm.

The indictment having been read over to accused he expressed his desire that the case should be disposed of summarily.

Being asked whether he pleaded guilty or not guilty,

he pled guilty to having cut his wife, but without intent to do her grievous bodily harm. He was drunk at the time.

ANNIE M. MILLS sworn—stated that she was the wife of the accused; that on their first coming to Shanghai he had been a good and kind husband, and very steady, but that subsequently he had become addicted to drink and during the past 12 months his conduct towards her had been of the most cruel and intolerable kind. He had frequently assaulted her; he frequently compelled her to fly from her room in terror for her life; had thrown bottles at her, and insulted her daily. She had borne long with his misconduct in consideration of his former kindness, but for some time his misconduct had been so continual and his treatment so cruel, that she had lost all patience and hope; she worked hard to keep both him and herself respectable, but all to no purpose. At first he had only illused her when drunk, but now he did it whether drunk or sober; he told her that if he was only in some place where the law would not take hold of him, he would cut her throat; and last Sunday night, after bed time, he caught up a knife and made at her as if with the intention of making good his threat. Anxious to save her life she grasped the open knife with her hands, and the wounds now shown were the result. She then fled from the house. She was in constant terror of her life. She felt she could no longer live with him in safety and wished for a separation. Drink was the cause of her misery.

DEFENDANT.—reiterated his former allegation that he did not mean to do her harm, that he was drunk at the time.

HIS WORSHIP.—said that so far from that being an excuse it was really an agravation of his guilt; and the sentence of the Court would be that he be imprisoned for three calendar months with hard labour, and thereafter find sufficient bonds to keep the peace towards his wife. He had shown himself to be a brutally cruel man. His wife had often complained to him (His Worship) of his ill-treatment of her, and once she had gone the length of having a summons issued against him; but she soon came begging him off and the prosecution was dropped. His conduct was very far from that proper to a man who had such a wife. He hoped that his imprisonment, the term of which he was strongly disposed to double, would do him good.

MARKET REPORTS.

SILK:—A large business has been done for this Mail, some 300 Bls. having been bought. Amongst the settlements are Koo-fong-sing's and Tso-ping's Chop No. 1, 2 and 3, Taatlees at Tls. 540, 520 and 540.

Prices have ruled considerably lower than last Mail for all medium Rereels, best kinds are scarce and their prices have remained firm.

The quotations are:—

best R. R. Hainins, ...	Tls. 505 @	530
medium to fair R. R. Hainins,	„ 460 @	480
best R. R. Taatlees, ...	„ 490 @	500
medium to fair R. R. Taatlees,	„ 430 @	460

Total export to date to America 83 Bls. against 330 Bls. in 1872.

TEA:—Our Export to date, as compared with that of last season, is as follows:—

To America—Black		203,000	Deficiency.
DO. —Green		1,816,000	do.

GREEN.—There has been a quiet business in Pingsueya, chiefly amongst English buyers. Prices have been rather irregular, and on some of the higher priced parcels we notice an advance of Tls. 2 on opening rates. Common and inferior chops receive scarcely any attention, though they might be bought at a decline of a like amount. There is apparently little wish to operate, and now the first shipments have left, should the present attitude of buyers continue, Teamen will be forced to sell shortly at lower rates. Shanghai packed Teas have been bought at Tls. 30 @ 32 against Tls. 35 @ 38 last year, the quality this Season being in every respect inferior, and a small lot of Fychow, of bad make and color, but fairly good water, has been settled at Tls. 35½.

New Teenkai Teas may be expected in about three weeks.

Settlements—								
Pingsueys	14,973 ½-cts.	Stock	13,110 ½-cts.	against	1872	10,800 ½-cts.		
Fychow	314	„	„	..	„	„	2,500	„
Shanghai packed	1,140	„	„	3,000	„	„	1,500	„
	16,421			16,110			14,800	

Prices paid have been:—			New York.
Pingsueys	Tls. 28	a 46 =	=44½ a 68 cents.
Fychow	„ 35½	a .. =	=54 a .. „
Shanghai packed	„ 30	a 32 =	=46½ a 49½ „

Export to United States and Canada—

	1873-4.	1872-3.	1871-2.
BLACK	61,900 lbs.	285,501 lbs.	221,367 lbs.
GREEN	„	1,816,370 „	718,084 „
	61,900 lbs.	2,101,871 lbs.	939,451 lbs.

COAL:—There has been a considerable increase in the arrivals of Coals since the 29th ultimo, and for the smaller Cargoes on the market better rates have in some instances been obtained; but no particular activity has been shewn on the part of buyers, and foreigners generally have kept out of the market.

Cardiff: No further transactions have taken place, and rates are nominally at last figures with weak demand. Stocks on 1st instant are reported at Tons 14,623, against Tons 21,386 on 1st January last.

English: Arrivals to order. But little inquiry and rates nominal, or equal to Newcastle Australian kinds. Stocks on 1st July, Tons 2,440 against Tons 5,445 on 1st January.

American: With very low stocks, more buoyancy has been evinced, and a small cargo to arrive was sold at Tls. 11 per ton to Chinese. The demand is not at all active. Stocks: Tons 773 on 1st July, against Tons 3,292 on 1st January, 1873.

Australian: Sydney has been disposed of at Tls. 9.9.0 per ton, for a small cargo from ship here. Large lots continue to be difficult to move, and for such the offers are lower. Stocks of Sydney on 1st July were 5,360 tons, against 7,619 tons on 1st January last.

Newcastle has been without transactions, although offers to arrive have been made at Tls. 9.2.5. Late arrival was to order—Stocks 1st instant, Tons 8,186 against Tons 7,113 on 1st January 1873.

Japan: These Coals continue to force their way into the market, and have been sold at all rates according to quality. Sales of late for good cargoes have averaged Tls. 5.7.5. Chinese have been the principal holders as well as buyers. Stocks 1st July 7,809 tons against 10,314 tons on 1st January. 1873.

Formosa: A slight decline has taken place, and with no particular demand existing, Tls. 5.7.5 per ton from ship have been accepted in preference to landing. Stocks 4,745 tons against 6,007 tons on 1st June 1873.

Cargo quotations from ship here: Cardiff, Tls. 11.5.0 per ton, nominal; English, Tls. 9.5.0 per ton, nominal; American, Tls. 1.1.0.0 per ton; Sydney, Tls. 9.9.0 a 9.7.5 per ton; Newcastle, Tls. 9.5.0 per ton, nominal; Japan, Tls. 5.7.5 per ton; Formosa, Tls. 5.7.5 per ton.

Arrivals have been;—600 tons Cardiff, 1,142 tons English, 705 tons American, 2,300 tons Sydney, 400 tons Newcastle, 1,460 tons Japan, and 1,556 tons Formosa. In all, Tons 8,162, of which Tons 3,667 were to order.

FREIGHTS:—Freights since the departure of last mail have remained dull, there being a general decline in all branches of the Coast trade. The available tonnage in port is not at all abundant, but seemingly quite sufficient to supply the extremely limited demand now existing.

We quote—

Chefoo to Swatow,	$ 0.25	per picul.
Newchwang to Swatow,	$ 0.28 a 0.30	„
Foochow and back,	$ 4.00 a 4.25	per register ton.
Nagaski and back,	$ 2.75	per ton, Coal.
Keelung and back,	$ 2.75	„ „

Rates for London are the same as last: £4. per ton of 40 feet for steamers, and £3. 10s. per ton of 50 feet for sailing vessels.

On the berth are: S. S. "Glengyle" (full), S. S. "Deucalion" (full), S. S. "Galatea," S. S. "Tom Morton," and the following sailing vessels: "Black Adder," "Kaisow," "Titania" (full), "Huntly Castle," "Weymouth."

Departures have been: "Sir Launcelot," (28th ulto.); S. S. "Tchihatcheff," loaded at Hankow, (29th ulto.); S. S. "Riga," (29th ulto.); S. S. "Sarpedon," (4th instant); "Cutty Sark," (10th July); S. S. "Japan," (10th July); "Thermopylæ," (11th July).

TRAVELERS' RECORD.

PASSENGERS, &c.

Arrived.

Per *Fusiyama* from Chinkiang—Mr. Walker. Treasure—Tls. 2,000.

Per *Nightingale*.—Mr. Eastlack, from New York.

Per *Pekin*, from Southampton Mrs. Coates and child, and Mr. Rogers.

From Bombay. Mr. S. Cursetjee and servant.

From Hongkong. Hon'ble H. J. Ball, Mr. Carl Strücker and 57 chinese.

Opium. Malwa 727⅝, Patna 150, Persian 3 chests.

Treasure £ 14,035.

Per *Glenroy*, from Hongkong—Mrs. Ball, Dr. Freeland, Mr. Braff, and 7 Chinese. 14 chests Malwa Opium.

Per *Acantha*, from Hongkong—Mr. F. H. Rosario and 50 Chinese. Treasure—Tls. 30,000.

Per str. *Sin Nanzing*, from Tientsin—Mr. and Mrs Holdsworth, Mr. and Mrs. Monro, Mr. Roach, Captain Hood and 3 Japanese. 54 Chinese and Tls. 1,060.

Per *Moyune*, from Hankow—Rev. E. Bryant. From Kiukiang—Mr. Johannsen. From Chinkiang—Rev. Mr. Williamson, U. S. Consul Flint, H. B. M. Consul Stronach. Treasure, Tls. 2,800.

Per *Dragon*, from Foochow—Mr. Maltby, and Chinese.

Per *Shantung*, from Chefoo—Mr. D. R. Spedding.

Per str. *Fychow*, from Hankow—Messrs. Paunce[f] and Clark.

Per str. *Cadiz*, from Swatow—Mr. Ellis and [M]anthel. From Keelung—Mr. Gallagher.

Per P. M. s.s. *Oregonian*, from Yokohama—Mr. G. Vouillemont and servant, Mr. D. A. Wilson [a]servant, Mr. J. Nolting and servant, Mr. D. Blakie [a]servant, Miss S. Clark and servant, Mrs. Reder [a]servant, and eleven in Steerage. Treasure.—$24,53[0]

Per *Chinkiang*, from Hongkong—108 Chinese. Tr[ea]sure, $32,000. Opium, 5 chests.

Per *Yuentzefei*, from Tientsin—Mr. and Mrs. Hey[de] and 13 Chinese. Treasure about Tls. 20,000.

Per P. M. s.s. *Costa Rica*, from Japan & Port[s] Mrs. Ryder and children, Messrs. J. B. Redfield, U.S[.N.] J. P. Mickley, U.S.N., D. D. Brennan, U.S.N., Dr. V. Mollurdorff, S. S. Gilbert, W. Cance, G. Mur[ray] Zerreman, Mr. and Mrs. Robinson, and 3 Chine[se] Treasure—$55,600.

Per *Deucalion*, from Hongkong—Mr. W. F. Mayn[e] Mrs. Mayers, child and servant.

Per *Nicolai*, from London—Messrs. E. Thomp[son] and Peters.

Per *Galatea*, from Hamburg—Messrs. Everson [&] Lessmann.

Per str. *Shansi*, from Tientsin—Messrs. Voisin [&] Knight.

Per str. *Appin*, from Tientsin—Messrs. F. E. Wri[ght] and Benjamin.

Per str. *Colombo*, from Hongkong—Miss D. Olin[e] 6 French Naval Officers and 9 seamen.

Departed.

Per *Shansi*, for Chefoo—Mr. & Mrs. Melton. F[or] Tientsin—Dr. S. W. Williams, Mrs. & Miss William[s].

Per *Appin*, for Tientsin—Mr. & Mrs. Weaver.

Per *Golden Age* for Yokohama—Lieut. E. McCo[r]mack, and Messrs. R. W. Bryce, and W. W. Smit[h]. For San Francisco—Mrs. T. Smith and 2 childre[n] Commander Byron Wilson U. S. N., Capt. O. Smit[h] Messrs. W. Thomson, and J. P. Cowardin. For Ne[w] York—Mr. F. F. McGrath.

Per *Delta* for Southampton—Mr. and Mrs. D. Gi[l]mour, infant and native servant. For Hongkong—Messrs. W. Williams, J. Dodd, J.L. Brown, E.H. Spring.

Per P. M. s.s. *New York*, for Nagasaki—Mr. H. Savage. For Yokohama—Mr. C. Strucker.

Per str. *Steckuen*, for Chefoo—Sir Edmund and La[dy] Hornby.

Per *Sarpedon*, for London—1,004 bales Silk.

Per M. M. S. *Sindh*, for Naples: Messrs. Wing[er] and Kopteff. For Marseilles: Mad Carnillot, Miss Mac[k] Mr. Mead, Rev. Leon Mailluchet. For Hongkong Mr. J. H. Wisner. Silk, 1,123 bales.

Per *Sin Nanzing*, for Tientsin: Revd. E. Bryant. For Chefoo, Mr. Witt.

Per *Dragon*, for Foochow: Mr. Riach.

Leaving.

Per P. M. S. *Costa Rica*, for Liverpool—Mr. Jas. Maitland. For Baltimore—Mr. J. K. Cunningham For San Francisco—Mr. C. P. Blethen, Mrs. Blethen and 5 children, Miss Chalmers, Commander J. K. Rogers U.S.N., C.D. Mansfield, U.S.N., J. S. Alexander, U.S.N. A. S. Kellog, W. E. Sibley. For Hakodate—Mr. J. A. Wilson. For Yokohama—Mrs. Lambuth and 2 childre[n] Messrs. C. Barthe, W. Cowderoy, J. A. Thorndike. For Hiogo—Mrs. Boon and 2 children. For Nagasaki Mrs. Twornblev and 2 children, Mr. Jno. Maltby. Silk about 300 bales. Tea about 250 tons.

L. VRARD & CO.,

WATCH AND CLOCK MAKERS

AND

GENERAL STOREKEEPERS.

No. 2, Kiangse Road, Shanghai.

ASTOR HOUSE SHANGHAI.

THE above has been re-opened as a First-class Family Hotel, and now affords every convenience for the comfort of visitors.

D. E. JANSEN.

Manager.

Shanghai, 10th June, 1873.

Edited by H. LANG:—*Printed and Published for the Proprietor, by C. do Rozario, at the Mercantile Job Printing & Newspaper Office, 8, Honan Road, Shanghai.*

Mr O'Connor

1 Dip Bureau

Delegation Yokohama

Japan July 21st 1873

No 448

Sir

C E De Long

Minister



Contents

Forwarding affidavit of one Edwards, charging C O Shepard Esq with high crimes and misdemeanors. Instructions requested.

No 448 Legation Japan

July 21st 1873

Sir

I have the honor to forward herewith copy of an affidavit filed with me by one Frank Edwards in which it will be seen he charges under oath Mr Bingham with felonious conduct in the management of the Hospital agency at Kanagawa (Enclosure No 1) 1/448

The same party has sent me that he is further prepared to testify and prove by other witnesses that Mr Bingham has frequently discharged persons sentenced by him to imprisonment prior to the expiration of their terms and charged in his accounts

Hon [illegible] rendered

Hamilton Fish

Secretary of State

Washington DC

pendent to you, an amount equal to the
expense of maintaining them for the
whole term.

I am Sir

Your most obedient Servant

O E De Long

List of Enclosure

No 1. Affidavit of Frank Edwards

(Deposition)

Yokohama Japan
July 14th 1873

U.S. Legation &c.

Frank Edwards upon being by me first duly sworn, deposes and says that he is an American citizen of the age of twenty nine years, that he is now a resident of Yokohama Japan where he has resided continualy since the 4th day of May 1872.

That on the 3rd day of October A.D. 1872 he entered the employment of Charles D. Shepard Esq. U.S. Consul for Kanagawa as postal Clerk, which position he this deponent continued to fill until during the month of Febuary last. That the salary allowed and paid him during said period of time was at first Forty Dollars per month with board and lodging, then Fifty Dollars per month with same allowances, and subsequently sixty five Dollars per month without allowances.

That

That during the period of time whilst he was then in the employment of said Charles. C. Shepard then and now U.S. Consul for Kanagawa, by said C. C. Shepard committed various crimes and misdemeanors of which he this Deponent now complains and accuses him, to wit:

That on or about the 10th of January last, he, said Charles. C. Shepard in the Post-office of the Consulate at Kanagawa broke the seal, opened and read a sealed letter which had previously been received at said Consulate forwarded and addressed to one — Rappaport a person then and now a resident of Yokohama.

That said letter had been received and was then advertised, and that after reading and destroying the same, he, said C. C. Shepard when asked for said letter by said Rappaport informed him that it was a letter written by himself and returned, and

that

that he Shepard had forwarded it to Washington to the Dead Letter Office; that when the said Rappaport questioned the truth of this statement as the advertisement of the letter bore date only three days previously and no mail had left in the mean time, he Shepard replied that it was in the mail and could not be got at. Deponent further says that at about the same time a sealed letter addressed to one J. B. Morris a gentleman at one time in the employment of Law Crawford & Co was received at said Consular Post Office. That he this deponent placed the letter in the box of Messrs Law Crawford & Co who returned the same with the statement that Mr. Morris was residing in Gedo. Said letter this deponent avers and states that he the said Charles A. Shepard unsealed opened and destroyed in this deponents presence in said Post-Office he said Shepard at the time remarking

"all right if you do not want this letter you need not have it".

Deponent further says that on or about the 28th day of December last a package addressed to some French House in France was returned to the U.S. Post-office in Yokohama from the Post-office in San Francisco, with an endorsement in writing upon it to the effect that it was returned as being too large to be sent through the mails, that said package was in black oil cloth and sealed, that upon its arrival, he, deponent called said Charles P Shepard into the office and calling his attention to the package, asked him what should be done with it; he this deponent at the same time remarking that it had never passed through the office; to which said Shepard remarked to this deponent "can you tell when it

it came from or what- Deponent said-it"
to which deponent made no reply but-
accosted said Shepard in an endeavor
to ascertain from whence it came.
failing in which she, said C.D. Shepard
in the presence of him this deponent and
of a japanese servant cut the said
package open, which was found
to contain about Forty or Fifty yards
of red Damask or red Rep. deponent
knows not which. That this
deponent then asked said Charles
C. Shepard if it should be sent to
the Dead Letter office or advertised to
which said C. C Shepard replied, "no
let people attend to their business letter"
and at once conveyed away to his private
room the said material which this
deponent never saw afterwards.
deponent further says that said
package and and also the letter
above referred to were all stamped with
U.S. Postal Stamps. Deponent further
further says and says that when he
returned

entered the service of said Charles
O. Shepard he received instructions;
viz all cases when letters should
be received over stamped with the stamps
cancelled to remove the same and
place them with the postage stamps
kept in the office for sale; that for
instance a letter for England upon
which sixteen cents should be paid
would be received with two ten cent
stamps thereon; that one of such stamps
would be removed and a six cent stamp
put in its place. That very frequently mails
called supplementary mails would arrive
at the Post office in Kanagawa fully
stamped, but the stamps cancelled
they having been put on board Steamer
without having passed through any Post
office and the Purser of said Steamer
having neglected to cancel the stamps,
that in all such cases and on numerous
occasions voluntarily acting under the instruc
of said Charles. O. Shepard so to do he,
this deponent would remove all of said
postage

postage stamps; stamp the letter full
paid ~~deliver the letter full paid~~, deliver
the letter in that form, and re-sell the
stamps to customers calling at the Post-
office for stamps. - That the general rule
at the office always enforced during his
this deponents term of office was to
carefully weigh all mail matter, to
remove all stamps when over stamped
leaving thereon only so many as required
by law and sell the residue for the
benefit and account of said Charles
A. Shepard. Deponent further avers
that he has often seen the Charles
A. Shepard attend to this business
and remove stamps from letters
himself. Deponent further avers that
in one instance the stamps from one
way mail thus removed amounted to
about thirteen Dollars and that on
an average the receipts derived by said
Charles A. Shepard from this source
during the time of his this deponents
employment would and did average
about

admit. forty Dollars per month.

Deponent further says and says that acting under instructions from said Charles C. Shepardson, this Deponent kept all letters and mail matter for the State Department at Washington separate from the residue of the mails; which said Department mail matter he the said C. C. Shep during about two months time, to wit during the months of January and February last; in all cases took to his private room before depositing the same and after a brief detention returned to the Common office.

(signed) Frank Edwards

Signed and sworn to
before me this 1st day of
July A. D. 1848

(signed) C. C. Vandenburg
Envoy Extraordinary and Minister
Plenipotentiary of the U. S. of America

Refer to Delongs dispatches
and instruct Mr Bingham to investigate
the matter — Bureau of Claims
460 - 24 Aug
Did so 18 Sept.

No. 448 August 30th 1873

Subject.

Charges against C O Shepard
consul at Kanagawa, forwarded by
Mr De Long in his No 448

Mr De Long in his No 448
of July 21 - 1873, transmits an
affidavit of one Frank Edwards
who had been a postal clerk
in the employ of Mr Shepard
Edwards charges that while
he was in the employ of the consul
as Postal clerk he saw Mr Shepard
open and destroy letters, and on
one occasion a package containing
several yards of Damask or Reps
which came to the dead letter office
charges Shepard with appropriating
it. —

Edwards seems to have kept
still while in Shepards employ
The charge now has a very strong
look of having been trumped up —

Mr De Long, asks instructions
I think it would be more proper
to give Shepard an opportunity for
explanation, in case the matter is
deemed worthy of any notice

Henry O'Connor

Treasury
Dis to
22 Aug

ack

W Purdam



Legation of Japan

Japan July 21st 1873

No 749

Sir

I have the honor to transmit herewith the Monthly Sea Reports from Nagasaki & Hiogo

Contents

Forwarding Monthly Sea Reports from Nagasaki & Hiogo

No 749 Legation Yokohama

Japan July 21st 1873

Sir

I have the honor to forward copy of Sea Report for month of June just received by me from Col Graham Esq acting Consul Nagasaki

(Enclosure No 1) 1/749

Also came from Consul Jones at Hiogo. (Enclosure No 2) 2/749

I have not received any report from Consul Shepard for this port for the same month.

I am Sir

Your obedient Servant

C E DeLong

Hon Hamilton Fish

Secretary of State

Washington DC

(Ps) I

I beg leave to enclose copy of a report received late this evening from

3/449 Consul Shipard (Enclosure No 3)

McComas
Hesays File -



Delegation Japan

July 21° 1873

No 450

Sir

Chas Lanman

Secretary

Contents.

Forwarding affidavits of the sailors of the Ship Ottawa charging Consul Shepard with practicing great cruelty upon them and of making them sign statements prepared by himself before he would release them from confinement

No 450 U.S. Legation Yokohama

Japan July 21st 1873.

Sir

I have the honor to inform you that to day three of the sailors from U.S. Ship Otaga called upon me and in the presence of Rev A P Newman told the story that you will find set forth in their sworn statements herewith Enclosed

(Enclosure No 1) 1/450

Mr Newman agrees in the statement made by the man Tracy that the Captain of the Otaga in his presence admitted to the Consul that he the Captain had given Tracy permission to leave the vessel. Since as he was not a deserter his claims are I think with justice that the Consul

Hon Hamilton Fish in

Secretary of State

Washington D C

in confining him in prison for twenty three days perpetrated upon him cruel and illegal punishment.

I beg you also to observe from these affidavits that it appears that the Consul compelled these men to sign statements which he had prepared in advance for them, as a condition of release. What those statements contain of course I can but imagine. My opinion is that they are framed with a view of convincing you that the officers of the Otago were very cruel and that the Shipowners had in dismissing the men acted from principles of humanity to relieve the sufferings of these men.

Of this humanity I pray you to judge by these men's oaths. To morrow I will submit this matter to Your Excellency for investigation.

I am Sir
Your obedt Servt
Edwd Long

Legation Japan
July 21st 1873

Patrick Tracy.

Deponent being first duly sworn deposes and says that he was shipped as an able seaman at Cardiff in Wales on board the American ship Otago for a voyage not to exceed two years. That he deponent shipped in December 1872 and arrived at the Port of Yokohama about the 18th of June 1873 That upon his arrival he this deponent in consequence of the second mate cruelly applied to be discharged, that said request was addressed to the Captain and he replied as follows, "I cannot legally discharge you at the Consulate but you can go". That thereupon deponent left the ship. That after going on shore he deponent was sent for by the Consul went to the Consulate did not see the officer and left that on the following day the Deputy Marshall called on deponent and requested him to go again to the Consulate which

which he did. On his, Deponents arrival the Consul Wm. C. O. Shepard asked this Deponent why he had not been to see him before; this Deponent replied by saying I have been here but was not allowed to see you; whereupon the Consul said "lock them up" "put them on bread and water." Whereupon this Deponent and five of his messmates were locked in jail by the officer and kept in jail and upon bread and water diet.

The next day a court of inquiry met at the Consulate and this Deponent and his shipmates were examined. The Captain of the Otaga at that examination admitting to the Consul in the presence of the Rev. J. Newman that he had committed the, and allowed this Deponent to leave the ship. Deponent further avers that on the following day the second officers trial was held (the second officer not having been present on the previous day) he the second officer then pleaded guilty to an assault and battery was fined two dollars and

and discharged. After this trial was concluded the Consul states, "I will keep them now in jail on bread and water until the ship is ready to leave port" Whereupon the Deponent avers that he was incarcerated with his said five associates for ten days in jail and fed only on bread and water. Deponent further avers that after having been incarcerated in jail for seven days, he and his associates were asked if they were willing to enter the Naval service of the United States &c; upon expressing a willingness to do so if required and upon receiving further assurances from the Consul to the effect that if they did not ship or were not required in the Naval service that they should be allowed to ship on any other merchant-ship; but would not be compelled to ship again on the Otago, they this Deponent and his associate went on board the U.S.S. Idaho where they were enlisted and there registered, he this Deponent and his five companions associates

were then returned to prison by the deputy
Marshall. That after the expiration of the
ten days term of imprisonment he this
Deponent and his shipmates were kept in
jail three days more but allowed ordinary jail fare and
then discharged from the ship and released
from the jail. That repeatedly during his
confinement he this Deponent applied to the
the Consul but on all occasions was
refused this privilege. This Deponent
further says that when discharged about
two months by was due him from the
vessel which he, this Deponent did not
receive and he this Deponent is now
penniless and out of employment.
Deponent further says that before being
released from the jail the Consul
required of him and his associates
to sign lengthy statements relative to their
treatment on board of the Otago about
cruelties practiced by the officers and an
agreement not to hold the United States
Government responsible all of which statements
the Consul said to Deponent and his associ

Deserter they must sign or he would put him and them back on board the Otago and which he this Deponent did sign without reading the same, Deponent further says that the Consul further said to him

"I am about to discharge you provided
"you sign this paper; and as the
"Minister has reinstated the officer so
"he may put you back on board also
"but I want you all to go out of the
"town where the Minister cannot find
"you before the ship leave" and that he this Deponent finding himself utterly friendless and liable to be kept in gaol for any period without relief signed, in order to obtain his liberty, and this Deponent prays such relief as under the circumstances he may be found entitled to receive.

Sworn and sworn to before me this 21st day of July 1873

Patrick Tracy.

Edw. Long
Minister

Stamped

United States Legation
Japan July 21st 1873

Robert Reid upon being by me first
duly sworn deposes and says that he
has heard the foregoing statement and
affidavit of Patrick Tracy read and
knows the the contents thereof to be true
and further deponent saith that he
as one of the sailors of the ship
Otago was treated exactly as above
recited by the said U.S. Consul.

signed and sworn to
before me this 21st day of July 1873 } Robert Reid.
A.B. Stoney Minister

U.S. Legation Seal

United States Legation
Japan July 21st 1873

Thomas Lindsey upon being
by me first duly sworn deposes and
says that he has heard the foregoing
statement and affidavit of Patrick Tracy
read and knows the contents to be true
and further deponent saith, that he as
one of the sailors of the ship Otago
was treated exactly as above recited by
the said U.S. Consul.

Signed and sworn to before me this 21st day of July 1843 } Thomas Lindsey

C Chesterton

W Nunnelee

Delaware
Seal

C. E. de Lang
U.S. Consular

No 42-0

Dated July 21st 1873

Forwarding affidavits of three sailors of ship Otago charging Consul Shepard with practicing great cruelty upon them and making them sign statements prepared by himself before releasing them

Mr O'Connor

Mr O'Connor

RECEIVED
SEP
4
1873
DEPT. OF STATE

Legation Japan

July 27th 1873.

No 442

Sir.

Ch. d'Affs

Minister

Contents.

Recapitulation Criminal Matters at Kobe

Do. Japanese
Do. Chinese
Ch. & Jap. Courts
Consular

No 452 Legation Japan

July 27th 1873.

Sir

I beg to inform you that on the 3rd of July 1872, Mr Shepard who was in charge of this Legation received from Consul Yemmo a Note (Enclosure No 1) enclosing a letter 1/452
from a Working Committee of the Hoko Council (Enclosure No 2) and also a copy of Resolutions 2/452
passed by the Council (Enclosure No 3) 3/452

To this note I addressed a reply to the Consul dated Aug 23rd 1872. (Enclosure No 4) 4/452

On the same date I addressed a note to this Government enclosing copy of my note to the Consul. (Enclosure No 5) 5/452

On the 4th of September following I received an acknowledgement of my letter from Consul

Hon Hamilton Fish

Secretary of State

Washington DC

6/4 52 Consul Jones (Enclosure No 6)

On the 16th of October I again addressed the Consul informing him that there authorities were quite ready to dedicate the land in question provided the Hola Council dismissed its working Committee

7/4 52 (Enclosure No 7)

On the 24th of the same month I received a reply from the Consul vindicating the

8/4 52 Working Committee. (Enclosure No 8)

To which I replied on the 27th of the

9/4 52 same month (Enclosure No 9)

To this I received a reply from the Consul on the 3rd of November promising to submit my notes to the Municipal Council. (Enclosure

10/4 52 No 10)

On the 26th of November I received from the President of the Municipal another Note from the Consul (Enclosure

11/4 52 No 11) requesting me to present my efforts

and

and thanking me for the services I had rendered.
also expressing me of the dismissal of the
Working Committee

On the 21st of November I addressed
a Note to this Government requesting the ground
to be dedicated as the Committee had been
dismissed pursuant to request
(Enclosure No 12) 12/452

On the 13th of January I received a Note
from this Government informing me that the
premises has been dedicated as requested and
proper instructions given to Local authorities
(Enclosure No 13) 13/452

On the same day I addressed a note to
Consul Simms informing him of this and
sending Copy. (Enclosure No 14) 14/452

On the 20th of July last I received
another note from Consul Simms (Enclosure No 15) 15/452
forwarding a Passport Issued for the premises
(Enclosure)

16/4 52 (Enclosure No 16) and advising on that point difficulties had arisen — On the 20th of February I again addressed the Consul advising him that this government had promised to send such instructions to the local authorities and would put and settle this controversy. (Enclosure No 17)

17/4 52

On the 12th of July I received a final note from this government advising me of the final order which had been given

15/4 52 (Enclosure No 18)

On the same day I addressed the Consul a Note enclosing copy of the Japanese

19/4 52 Letter (Enclosure No 19)

On the 22d of this month I received a reply from the Consul acknowledging the receipt of my last note and accepting the same as finally settling the affair

20/4 52 (Enclosure No 20).

The business is not of a character that I consider you will care much about - yet in order to be entirely safe I submit it to you

To the community at Hobe it was a matter of much moment: and I worked with zeal to secure a public garden for them.

The only case I had was an old verbal agreement entered into at Thote between Governor Thote and the British Consul & Dutch ——— Representations in 1868. —

Trusting to your kind approval

I have the honour to remain

Sir

Your most obedient Servant

C E De Long

List of Enclosures)

No 1 — General Sumner to Ship pairs.

No 2. — Letter from the Working Committee

No 3. Resolutions passed by Municipal Council

No 4. Dr Long to Consul Jenner.

No 5. Dr Long to Japanese Government.

No 6. Jenner to Dr Long

No 7. Dr Long to Jenner

No 8. Jenner to Dr Long

No 9. Dr Long to Jenner

No 10 Jenner to Dr Long

No 11 President of Council to Dr Long

No 12. Dr Long to Japanese Govt

No 13. Japanese Minister to Dr Long.

No 14 Dr Long to Jenner

No 15. Jenner to Dr Long

No 16. Copy of pro forma Lease

No 17. Dr Long to Jenner.

No 18 Japanese Government to Dr Long

No 19. Dr Long to Jenner

No 20. Jenner to Dr Long

Received July 3rd

Copy

No 21 United States Consulate

Hiogo July 1st 1872.

1

Sir

I have the honor to bring to your notice herewith a letter addressed to Your Excellency by the Working Committee for Hiogo Municipal Council marked Enclosure No1 also copy of resolutions passed at an extraordinary meeting of same Council and marked No2 a copy of which has been forwarded to each of the Hon Diplomatic Representatives accredited to this Empire and most respectfully request that it receive your favorable consideration

I have the honor &c to be

His E. Your obedient Servant

E. C. Shepard Chas. Lennox

H.B.M. Charge d'Affairs H.B.M. Consul

Hiogo 1st July 1862

To His Excellency

A O Shepard Esqr

Charge d'Affaire for the United State

of America &c &c &c &c &c

Sir

We have the honor to lay before

your Excellency the following

At an extraordinary meeting

of the Council held on the 2nd June

1862 relative to the plot of land known

as the Recreation Grounds situated

at the Eastern extremity of the

Foreign Settlement of Hiogo (Kobe)

it was decided to ask the aid

of your Excellency conjointly with

that of your Colleagues to place

us

in our possession said ground
now wrongfully detained by the local
authorities

We have the honor to enclose extract
taken from minutes of several meetings
wherein you will observe that on
the 11th May 1870 Mr. Shakayama the
former Vice Governor fully acknowl-
edged our right to the ground in
question a fact well known to
presume to your Excellency.

We would further ask your attention
to the circumstances of our having
granted this ground to the use of
the community who were abruptly
stopped by the native authorities in
the middle of improvements
fully explained in the correspond
of the 7th and 10th of May, attached,

to

to which we respectfully refer you.

Awaiting your reply

We have the honor.

~~to remain~~

Your obedient Servant.

W. A. Morse

Edward Bellue

Working Committee for Hugo

Municipal Council

Copy

Recreation Ground

Extracts from the minutes of the meetings of the Kiogo Municipal Council

14th January 1870

Mr Evers called the attention of the meeting to the space set aside for a public Garden and suggested that the same should be planted at once as this was the proper season for that purpose

11th January 1870

Mr. Holmes informed the meeting that Mr. Kerthale and himself had examined the Eastern Recreation Ground with a view of ascertaining the cost of laying the same out according to the wishes expressed at their last meeting. They found that there were about 8600 Turbos and the cost

11th January 1870

cost of making roads and fences would cost 1500 Rios. They therefore did not prosecute their enquiries further

Mr. Karthaus asked the attention of the Board to the fencing now erected on the Eastern Recreation Ground, or Public Garden.

This land he found to have been reserved on the old and new plans of the settlement as a Public Garden and the Public are under the impression that the ground is to be used for that purpose and no other. He wished to know by whose authority that fence had been erected and if the same was to remain there?

The Vice Governor (Mr Nakayama) stated

stated the ground had been rented to Mr. Paul Frank. They have since discovered they have no authority to rent this land as it was as stated reserved for a Public Garden. Also he had requested Mr Frank not to fence in that ground and further stated the matter was receiving the attention of the Authorities at Suva and had been referred to them more than a year past.

Mr. Bower misled the Vice Governor to understand the Council proposed to prepare this ground they had waited over a year and now the public called for possession.

Mr. Milne drew attention to the

fact

fact that previous to the last land sale a notification was inserted in one of the papers signed by the Government Auctioneer stating that he was authorized by the Government officials to inform the community that the reserved land on the Eastern side of the settlement was public property

From what he could learn he understood that many of the purchasers of land on that side of the settlement had bought the same on the strength of the notification above referred to being correct and judging from remarks of land owners generaly and particularly on the Eastern side of the settlement fronting the

Recreation

Recreation Ground be doubled not that claims would be preferred against the Government should the land not be used for the purpose of a Recreation Ground

The Vice Governor stated that one of the Japanese Ministers for Foreign Affairs was here and the matter would have his attention before leaving. He thought it would take about a months to settle the matter though it could not be settled here.

Mr Allcock proposed Mr. Miles seconded "That the Japanese Government be requested to at once take steps to remove the fence lately put up around the ground on the

the Eastern side of the settlement and known as the "Public Garden"

Carried unanimously

Mr. Allcock drew attention to the Recreation Ground on the Eastern side of the settlement and would ask the Vice Governor what steps had been taken in the matter since the last meeting. The Vice Governor said "when Mr. was here he was unable to do anything in the matter and that it had doubtless been delayed owing to a little disturbance in Tokyo but hoped next steamer would bring news of its settlement

Mr Power called Mr. Okamura's attention to the Recreation Ground and asked if the question had been finally

finally settled?

He replied the land had been returned and the question cleared, and that all temporary difficulties connected with the same had been removed as already reported to the Consuls.

Mr. Daly proposed Mr. Duff seconded "As Mr. Okanna declared the Recreation Ground so free from any incumbrances referred to in previous meetings the Municipal Council on behalf of the Community will take possession and commence distribution of it as soon as possible as a Public Garden. Carried unanimously.

The Chairman (Mr. Gower) thought the Working Committee ought to be

be authorized by the Board to take steps on behalf of the Community to lay out the Recreation Grounds as a Public Garden— Mr. Nakayama having been asked if the Government contemplated selling the Bank of the Recreation Ground said he could not give any reply because he did not know what the Government would do with their land on the Eastern side of the settlement. Mr. Gower then observed that it was not a question of the Government ground but of that piece of land which belonged to the Community known as the Recreation Ground and the information was only required because steps were about to be taken to plant trees and make a Garden which if eventualy disturbed by

by the request of the Government to resell the bank of the old river the Garden would have to be arranged again at their expense

Mr Nakayama repeated that he could not say whether that part of the bank would be leased or no.

Mr Allcock proposed Mr Ellis seconded.

"That seeing the time of year is approaching when the Recreation Grounds in the Eastern side of the Concession will be laid out and planted, that the Working Committee be requested to prepare a plan and lay it before the Committee as early as possible. Carried. all voting in favor of it except Mr Nakayama

A petition from the land owners and residents for a portion of the Recreation Ground for recreation purposes was then read to the meeting and after some remarks.

Mr Cunningham proposed Mr Morse seconded "In answer to the petition signed by numerous land owners and Residents for a portion of the Recreation Grounds for healthful out door pastimes that the petitioners be allowed to turf over a portion of the ground but that the Committee must make certain conditions as it is not in a condition to grant the land permanently and that the Working Committee be appointed to define the limits and conditions to be granted. Carried unanimously

Mr. Kelliah proposed Mr Morse seconded that

that the finance Committee and the Treasurer be requested to advise the meeting about the amount of funds which can be appropriated for laying out the Recreation Ground on the East side of the Settlement.

Carried unanimously

Extraordinary Meeting
7 May 1872

Mr. Lower (Chairman) said the meeting had been called to take into consideration the following letter which had been received from the Japanese Authorities.

Government Office

Kobe (Hiogo) 29 day 3 Month 5 year

Translation

to

To the Municipal Council of

Hyogo

Sirs

Information having been brought to us that the work of laying out the ground has now been commenced which situates on the western bank of the old Ikuta river standing there Pole mentioning Public Garden We have the honor to inform you that as we have not come to understand how it has been done at first about setting the ground a public Garden we are on examination into the matter of same. If you have however on hand any proof in writing that the ground has been settled a public Garden you will then be requested to show it to us next

and

and until you do so we hope you will stop to lay out the ground above referred to.

With compliments

Kanda Kami

Tokuada Gunsaye of Kiogo.

Mr Glover wished to know if the Kami was aware that he was a member of the Municipal Board. In reply he stated that he was aware of it.

The Chairman said that in addressing a letter to the Municipal board he had somewhat written to himself he therefore wished to know what reply he was going to give.

The Kami said he had no

answer

answer to proposal and stated that he was ignorant of any former arrangements and had written the letter to obtain information. Mr Gower then stated that a petition from certain residents for a portion of the Recreation Grounds for recreation purposes had been read at the last meeting in the presence of the Kauai and that the board had given the permission provided the board would bear the expenses, he did not remember whether the Kauai voted in favor of the motion but certainly he did not vote against it. Mr Kauda said he did not know what was going on as he could not speak english

Mr. Gower said the interpreter

was

was there and if he had not done his duty the Governor must bear the consequences

The Kawi admitted that his Interpreter had been in fault and enquired by what right the Council had taken possession of the ground as a garden.

The Chairman remarked that it was strange that the Governor should come for information on matters referring to the Kew that he was in charge of. The Hon stated that it had been decided between the foreign Ministers and the Ministers for Foreign affairs at the time the settlement was agreed upon that a title deed was not necessary in either case as

the

the ground on the East of the settlement should be used as a public Garden.

He was then asked if he did not understand what had been done by the Foreign office in Yedo & his reply and his reply stated that what he was aware of what had passed in Kioto by reading documents but that the Kobi Government had not received instructions from Yedo as to the ground being a public Garden.

He would like to ask whether there are any documents or instructions from the Foreign Ministers shewing the ground to be a public Garden.

Mr. Gower said he had received positive instructions from his

Ministers

Minister that the ground could only be used as a public Garden.

The Kami requested to see them and Mr. Bower consented to shew them if Mr. Kanda would carry the instructions into effect.

He merely wished to see them.

The Kami wished to know if Mr. Ito had known about the arrangement when he was here.

The chairman said he did not know and on one occasion Mr. Ito had gone with Mr. Bendann and himself to see about a mistake that had been made in measuring the Union Club lot and finding the boundary included 3 feet of the Public Garden the position of the Club lot was altered.

The

The Kami thought perhaps the ground had been granted by mistake & stated he had received instructions from Yamamoto that the ground cannot be used as a public Garden until further instructions from Yedo.

Mr Gower said that of course the Kami could not act against Yedo orders but that the Kobe Government would be held responsible for damages and proposed however that as the work had been commenced that it should be continued until an answer had been received from Yedo.

After some remarks the Kami said he would again take steps to put a stop to the work

work if resumed but would not interfere with Foreigners doing the work themselves but only protest against it.

Mr. Bryce proposed Mr Hicks seconded

That this meeting considers that the action taken by the local authorities in stopping the work of forming part of the land allotted for a Recreation Ground into a recreation Ground is to be regretted in as much as it clearly proves that they were totally ignorant of the terms and arrangements made by the Foreign office with the Foreign Ministers respecting the Concession & Recreation Grounds and that we the members of this Council do now protest against

against such action of stopping the work of the Borough Community and hold the local authorities responsible for such unwarranted interference in damages to be assessed hereafter. Carried.

Extraordinary Meeting.

7 June 1872.

The chairman (Mr Morse) said the meeting had been called to take into consideration the Recreation Ground & to get said ground into possession of the Council. The Municipality had granted a portion of it to the residents who had expended money upon it which appeared last and there who had made the outlay

looked

looked to the Council for reimbursement.

His ideas were that the Council should Communicate with the Ministers at Yedo and find out whether the land was the property of the community or not.

The following letters were then read.

Hiogo 7th May 1872

To the Members of the

Hiogo Municipal Council

Dear Sirs

Having obtained your sanction to our petition to lay out a portion of the Recreation Grounds for recreation purposes which was conveyed to us in a letter dated the 13th ult we at once commenced the work by making two contracts,

One

One for levelling the ground in question at a cost of Rios 830 and the second for the transplanting the trees now on the land to suitable positions for Rios 210

We regret to have to inform you that the Japanese local authorities have interfered with our work, prohibiting any Japanese from working on the land and moreover by putting one of the Contractors in prison. This action on the part of the Japanese authorities has greatly surprised us as we presumed the land was undoubtedly in your hands for disposal for the benefit of the Community and not under the sole control of the Japanese Government. We beg

therefore

to call your attention to the fact that we have already suffered loss and been put to great trouble and inconveniences. — The young trees (some hundred) which have been dug up and prepared for transplanting are now useless and our contract for transplanting is a clear loss besides. — When we have obtained an estimate we shall wait upon you with a statement showing the loss incurred by the action of the Japanese Government authorities and trust you will see fit to indemnify us.

We are Dear Sir
Yours respectfully For the Committee for
Recreation Ground.

Arthur H Groom
Hon Secy.

Kiaga 10th May 1892

To the members of the

Kiaga Municipal Council

Dear Sirs

Referring to our respects of the 4th inst on which we informed you that through the interference of the local authorities with our work on the recreation Ground, the Community have suffered considerable losses we now beg to bring the same before your notice in hopes by your aid they made good.

Of our contract for Rus 210- for removing the trees we have lost $101 for work already done and include through the delay caused by said interference with the work has proved to be thrown

Away

away. Not only this but the trees themselves so necessary to the ground are useless. Yesterday we had a competent man to estimate their value who informs us that the trees already dug up for transplanting cannot be replaced for less than Stg 1000 say Rs 14620

Again the time lost at this particular season of the year hinders us from proceeding with the work until after the hot weather and as our contracts read that the levelling and transplanting were to be finished within 20 days from the commencement we are liable to the full amount of the Contracts say Rs 10600 less already paid on account of levelling say Rs 2000

However we hope to make an amicable arrangement with the contractors but even in this event our loss is as above stated $462 37/100 and $100. say $362 37/100 but taking into consideration much personal inconvenience and loss of time

We would ask you therefore to give this matter your kind consideration and earnestly hope that by exercising your influence you will protect us from loss.

And remain dear Sir

Yours respectfully

Jno J Staples

J W Henderson

Arthur H. Groom

for Comm. of Recreation Grounds

The Chairman had every reason to believe the ground belonged to the Community & the Luminaries had led the Council so to believe

Mr. Allen remarked with reference to the claim made for expenses incurred the Council could not entertain that. There might have been $20,000 spent but the Council would not be responsible

The Chairman said that the Council had given the community permission to prepare the ground which he considered was to a certain degree a guarantee that everything was in order.

Mr. Allen said that the amount could not be paid out of the Municipal fund but the Council would endeavor to

to obtain it from the Japanese Authorities.

Mr Bryan proposed Mr Bailey seconded "That the council address full report of its present position with the local authorities to each of the foreign Ministers at Yedo with respect to the Recreation Ground requesting their assistance in the matter. Carried

The Superintendent was requested to prepare the report and hand the same to the working Committee

Mr Gibbs proposed Mr Bryan seconded. "That a reply be given to the body calling themselves Committee of the Recreation Ground to the effect that a letter will be addressed to the Ministers at Yedo. proposing to finally settle the dispute which has

has arisen between the Municipality and the Japanese authorities with respect to the title of the Foreign Community to the Recreation ground.

That after the dispute had been finaly settled the Municipality will endeavor to obtain from the Japanese authorities the loss as stated by said Committee in their letter of May 10th.

— Carried unanimously

No 88. U.S. Legation Yokohama

Japan Aug 28th 1882

Sir

I have reply to your no 21 of date July 1st 1882 with its enclosures I beg leave to advise you that I am of no agreement existing to which either any of my predecessors or myself are parties whereby the land in question is reserved or set aside for a public Garden or Recreation Ground.

Some verbal agreement was entered into by certain of my Hon Colleagues with the Japanese authorities and some plans of the Foreign settlement were drawn upon which the lands were marked as reserved from sale

and

and dedicated to the public
use as a public Garden.
By scanning the Conventions and
Land regulations for your port
to which my Hon predecessor
R. C Van Valkenburgh was a party
you will see that these lands
were included in the list of lands
which were to be lotted blocked
and sold at public auction to
foreigners
Hence I have not the least
authority for claiming these from
the Japanese Government as a
donation for public use.
Should any of my Hon Colleagues
do so under the promise made
to them, I will not oppose
their being so donated but on
the

the contrary I will most cordialy assist to procure for the foreign residents of your port this very desirable object.

If my views as here stated you will please advise my Hon Associates the Working Committee for Hiogo Municipal Council.

I have the honor to remain

Sir

Your most obedient Svt

C E Pelouze

Daniel Turner Esq

U S Consul

Kobe Japan

Copy No 101 U.S. Legation Yokohama

August 22nd 1872

To

Their Excellencies

The Ministers for Foreign Affairs

&c &c &c

Gentlemen Excellencies

Relative to the subject of certain lands at Kobe claimed by the Municipal Council of that Port as Recreation Grounds and relative to which I have been addressed by a working Committee of that body I have replied by note of this date directed to the U.S. Consul at that port. I enclose for Your Excellencies information a copy of my reply.

With respect & consideration.

E. E. Peterson

Rec'd Sept 4th

Copy

No 76 U. S. Consulate

Hiogo Aug. 31st 1872

Sir

I have the honor to acknowledge the receipt of your letter No 88 under date of Aug. 22nd 1872 and will as directed acquaint the Working Committee of the Hiogo Municipal Council at their next meeting with your views in relation to the Recreation Ground on the Hiogo Concession

I have the honor to be

Sir

Your obedient Svt

Daniel Tanner

U S Consul

Hon

C E De Long

&c. &c. &c. Yeddo

Copy

No 122. H.B.M. Legation Japan

October 16th 1892.

Sir

Referring to the question of the land reserved at Kobe for a public recreation ground recently enclosed and to some extent improved by a Working Committee appointed by the Municipal Council I beg leave to inform you that on yesterday His Excellency the Minister for Foreign Affairs advised me that the land in question would be at once set aside and delivered over to the Municipal Authorities of Kobe as a public recreation ground upon his being officially advised that

the

the Working Committee that had heretofore been appointed and who proceeded to improve those premises without first obtaining permission from the Japanese authorities as to do: be by order of the Council dismissed. His Excellency maintained the opinion that the action of the Committee had been taken in contempt of the Japanese authorities and therefore insisted upon this action on the part of the Council as a condition precedent to a formal transfer of the land. I am are directed to submit the subject of this note to the Municipal Council for its consideration and action.

I have the honor

to

to remain.

Sir

Your most obedient Servant.

C. C. DeLong

Daniel Turner Esq.

U.S. Consul

Kobe. Japan

Recd Oct 24th 1842

8

Copy

No 141

United States Consulate

Osaca & Hiogo Japan

October 25th 1842

Sir

I have the honor to acknowledge the receipt of your dispatch No 122 under date 16th October 1842 notifying me of the position assumed by His Excellency the Minister for Foreign Affairs in reference to the creation of a recreation ground at Kobe.

I venture to say that the action taken in reference to this land undisputed was in open council and at a regular monthly meeting at which time the local authorities were or should have been present, wherein the alleged contempt

could

could have been committed I am at a loss to determine.

I shall as directed submit your notes to the Kobe & Hiogo Municipal council for their consideration and action and will report the result to your Excellency.

I have the honor to be

Sir

Your very obt. Servant

Daniel Ferrier

U.S. Consul

H.E.

C. G. De Long

E.E. & M.P. of U.S. in Japan

Encl 1

No 132 U.S. Legation Japan

October 21st 1872

Sir

Acknowledging the receipt of your dispatch No 141 of date the 23d inst I beg leave to say that it may be true that the local Japanese authorities were equally culpable with the rest of the members of the Municipal Council in the action taken about the recreation ground or it may be true that the action ~~of the action~~ of the council or that of the Committee was not contemptuous, but what I supposed was unquestionably true was that this Council the Committee and the citizens ~~marked formal procession of~~ these

these grounds given to the Council as soon as possible that they might be informed and benefited

If this is true and further delays are desired to be avoided the passage of a Resolution revoking the power given to that Committee will effect the desired object.

It simply remains for the Council to choose whether the Committee shall be thus discharged and the grounds at once obtained or whether it will go without the grounds for an indefinite period and enjoy in lieu thereof the luxury of a discussion of what seems to me to be an unimportant question

I am will please consider

Yourself

yourself at liberty to act as you judge best with reference to this question and also with reference to communicating this note to the Council.

I remain Sir

Your most obedient Servt.

B. C. Pedoug

Daniel Turner Esq.

U. S. Consul

Kobe Japan

Received Nov 8th 10

Legay

No 130 United States Consulate

Osaca & Hiogo Japan

October 31st 1872

Sir

I have the honor to acknowledge the receipt of your dispatch No 132 in reference to the Kobe (Hiogo) recreation ground and beg to say that your opinion in reference to the desire of the Kobe residents i.e. to secure the immediate possession of the public property is as I understand it correct.

I will at the next meeting of the municipal Council submit Your Excellencies' dispatch No 122 and should it become necessary will also submit dispatch 132.

I have the honor to be

Sir

Sir

I am very obdt. Servant

Samuel Turner

H. E.

C. E. D. Lang

C. C. & M. S.

Recd Nov 20. 1872

Copy

11

Kobe 18th November 1872

His Excellency

C. E. DeLong

United States Envoy Extraordinary

and Minister Plenipotentiary

Sir

I have the honor to inform

Y. E. that at a meeting of the

Municipal Council of this port

held on the 14th inst a commu-

nication was made by Mr D. Turner

U.S. Consul to the effect that he

had received a letter from Y.

E. informing him that the

Minister of Foreign Affairs at

Yedo, had consented to the lot of

land known as the recreation

ground being delivered over to

the

the Municipal Council of Kobe as a Public Recreation Ground upon his receiving official advice that the working committee formerly appointed had by order of the council been dissolved and the following resolutions were passed

"That the authority granted to a committee appointed by foreign residents for laying out the Recreation Grounds be revoked and that the thanks of this Council be tendered for the improvements said committee have made.

"That a letter be addressed to the committee appointed by the Foreign Community of Hiogo for laying out a certain piece of land called the Recreation

Ground

Ground stating the reasons why the authority granted them by this Council is revoked that the expenses incurred by said Committee be defrayed by this Council. That a letter be addressed to Mr. C. C. De Long by this Council thanking him for his prompt and efficient action in assisting us to secure possession of the Recreation Ground and informing him of the action taken by this Council.

I have the honor to be
Your Excellency's
Most obedient Servant
W. H. Moore
President

Copy

12

No 129 U.S. Legation Japan

November 21st 1872

H.E.

Soyeshima Tanenori

Minister for Foreign Affairs

Yedo Japan

Sir

Your Excellency having verbally advised me that the Recreation Ground at Kobe would by your direction be at once delivered over to the Municipal Council of that place upon my being advised that the working Committee that had heretofore taken possession of and proceeded to improve the premises had been dismissed

I now have the honor to advise you that by a letter today received by

by me from the President of that Council Mr. W. H. Moore I am officially informed that the Municipal Council of Kobe at a meeting held in Kobe on the 11th inst. by resolution revoked the authority it had formerly conferred upon the Working Committee and dissolved that body.

I trust that Your Excellency will now without delay authorize me to advise the Municipal Council of Kobe that the Government of H.I.J. Majesty no longer objects to the premises being taken possession of for recreation purposes by that body on behalf of the resident of that port.

I have the honor &c

E. H. de Long

Copy

Received Jan 13th 1872

13

Tokei 12th 1st Month

of 6th year Meiji

Sir

I have the honor to acknowledge receipt of Your Excellency's letter dated November 21st 1872 in which you inform me that you have received from the President of the Municipal Council of Kobe Mr. W. H. Morse the information that the Working Committee who had drawn stakes to mark out the Recreation Ground at Kobe had been discharged by a resolution made at a meeting of the Municipal Council of said place. I therefore I have the honor to inform you in reply that

that the said place has been
set aside for a Recreation Ground
for the Japanese as well as the
foreigners and that for the present
no ground rent will be charged
upon it and also that I have
informed the Governor of Kobe Ken
of the above mentioned facts

With respect & consideration

Sayesabuna Tanomi

H. C. H. J. Mus. Mni for U. S.

C. C. De Long

C. C. & M. S. of U.S. in Japan

U. S. Legation Japan
January 13th 1873

Sir

I have the honor to advise you that to day I received from the Minister for Foreign Affairs of this Empire a note (Enclosure no 1) formally advising me that the premises in Kobe known as the Recreation Grounds have been set aside rent free to the inhabitants as a public garden or Recreation Ground and that instructions to that effect have been forwarded to the Japanese officials at that port. As you may not understand why certain instructions contained in His Excellencies note have been issued by me I beg to inform you that as it was at first proposed to charge a rental for these premises I objected as the use of the ground would be as much for

Japanese

as for forfeiture. I might have objected to the language that for the tenant no ground rent would be charged upon it" that as I considered that none ever could be claimed. Consequently none ever would be and as I know the approach of spring rendered it necessary for immediate possession to be obtained I have not replied and beg you to notify the Hon Municipal Council of the contents of this note and on my behalf suggest the propriety of applying for and obtaining the required lease.

I have the honor to be
Sir
Your most obdt. Svt.
E E Long

Dan'l Turner Esq
H M Consul
Kobe Japan

Copy

No 221

July 20th

United States Consulate at
Osaca & Hiogo Japan
Hiogo July 21st 1873

To H E.

Hon C E. De Long.
Envoy Extraordinary and Minister
Plenipotentiary for the United States
of America to Japan

Sir

I have the honor to acknowledge the
receipt on the 20th inst of your Despatch
No 175 dated July 12th 1873 together with
its enclosure both of which shall be
brought to the notice of my Colleague
and the Governor of Hiogo without delay.

Thanks to the interest your Excellency
has taken in the matter of the "Kobe
Recreation Ground" question may I think
fairly be considered settled.

I am Sir
Your most obedient Servant
Saml Turner
U.S. Consul

C Edelung
Minister

Date July 29 4/93

No 452.

2 Enclosures.

Recreation Ground matter
at Kobe.

Copy

File 207 1873 15

No 49. United States Consulate

Osaca & Hiogo Japan

February 1st 1873

Sir

I have the honor to transmit herewith copy of Title Deed for the Kobe "Recreation Ground" also of letter sent Mr Kanda this date.

Mr Kanda advises me that it is necessary to obtain the approval of the Hon Minister of Foreign Affairs before he signs these papers at the same time he expressed his willingness to deliver them immediately should the Committee accede to his proposition to decrease the size of the property about one half drawing his line from north to

to south and reserving the portion to the east of this line, the plan attached to title deed shows the Ground according to the original land marks and was supplied by the local authorities

The proposition to reduce the size of the ground was objected from two reasons. First no further concessions were contemplated or expected by either Your Excellency or the Minister for Foreign Affairs and should not be entertained by us Secondly the ground in its present state is awkward at best and the contemplated reduction would spoil it for our purposes

My object in forwarding the enclosure is that Your Excellency should

be any more annoyed with
this matter you should have
an understanding of our position
I am Sir
Your most obedient Servant
Daniel Turner.

To H. C. the Hon
C C. De Saug
C. C & M. P. for the U.S. of America
in Japan

Copy

Title Deed.

In consideration of an agreement entered into between Their Excellencies the Hon. C. E. DeLong. Envoy Extraordinary and Minister Plenipotentiary for the United States of America and the Honorable Sayeshima Tanenori His Imperial Hagestys Minister of Foreign Affairs at Tedo (Japan) on the 12th. day of 1st. month 6th year Meiji corresponding to the 12th day of January A. D. One thousand eight hundred and seventy three. (1873)

The undersigned acting on behalf of the Japanese Government hereby gives, assigns, and bequeaths in perpetuity actually and really into the Kobe Municipality to be governed by

by the Council of that Municipality now and for the future that certain lot or plot of land known the Recreation ground and situated to the East of the Eastern boundary line of the Kobe (Hiogo) concession and to the west of the Western boundary line of the Old Kitagawa water course and to the North of the northern boundary line of that certain piece of land at present owned or leased by the Union Club of Kobe and to the south of a line corresponding with the Northern boundary line of the Kobe (Hiogo) Concession and measuring 9,491 ⅔ Tsubos more or less as more particularly described in the annexed plan and the following conditions

conditions to wit.

First: That the lot or plot of land above described shall be used for and for no other purpose or purposes than a public Garden or Recreation Ground and shall be accessible both to foreign and native resident

Second. All expenses incurred in laying out or putting said Recreation Ground in order also such expenses as shall be necessary to keep said grounds, fences buildings paths &c in in order shall be borne by the Kabi Kings Municipality or other foreign sources and it is distinctly understood that the Japanese Government either general or local cannot legally be

be called upon to contribute to the maintainance of the said Recreation grounds.

Third. No taxes dues or rentals of any kind shall be required asked or levied on account of said Recreation Grounds for the present.

Should it at some future day be considered expedient to collect a Tax Rental or other dues on account of said grounds, such Taxes Rentals or other dues shall and can only be levied and collected by and with the consent of His Excellency the Minister for Foreign Affairs and the concurrence of all their Excellencies the Honorable Foreign Diplomatic Representatives.

Done in duplicate, one copy being

being kept in the Hyogo Foreign
Office and one delivered to the
Hon. President of the Hyogo
Kobe Municipal Council this
day of month year Meiji
corresponding to the day of
in the year One thousand
eight hundred and seventy three
at Hyogo (Japan)

Witness to signature.

Witness (

L.S.

Consul

Copy

Osogo 14th February 1843

Sir

Having been appointed as a committee to receive title deeds for the Recreation Grounds are now forward you draft of title deed for the said property as agreed upon between you and ourselves on the 13th inst. to which is affixed the plan made by your engineer.

We cannot take into consideration your proposition to curtail the limits of the ground as we have no authority to accept title deeds for anything less than the land marked out by stakes which we together went over on the 13th inst and which

which agrees with your plan

As the best season for laying

out the ground is at hand

we shall be glad if you will

sign the Deed with as little delay

as possible. Should you feel the

necessity of referring to Tokio

before signing we request you

to do so by first opportunity.

We understand that the only reason

you have for referring the deed to

is that you wish us to accept

a smaller portion of land than

that originally granted to the

Municipality but as there can

be no doubt about the limits

of the land we trust that you

will on reconsidering the matter

as to the advisability of signing the

Deed

Deed here as we are of the opinion that such is the intention of the authorities in Tokio.

We are Sir very respectfully

(signed) Daniel Turner

(signed) J. H Cunningham

(signed) C Bryne

Copy

17

No 53 U.S. Legation Japan

February 20th 1873

Sir

Acknowledging the receipt of your note No 49 of date the 17th inst with its enclosure relating to the action of the Governor of your port in refusing to execute the lease of the Recreation Ground. I beg to inform you that I this day submitted your dispatch with its enclosure to the Minister for Foreign affairs and received from him an assurance of such orders being at once transmitted to the Governor as will in my opinion cause him without any delay after the receipt of the same to remit the proposed lease to the Government for its inspection and his subsequent

sanction

instruction

Regretting this delay and any annoyance

I have the honor to remain

Sir

Your most obdt Svt.

C. E. Delany

Saml Turner Esq.

Ad Consul

Kohe faiau

Recd July 12th 1873

18

Copy of Translation Foreign Office Yoku

10th 7th Month 6th Year Meiji

Your Excellency

I have the honor to inform you that a certain tract of Government land in Kobe situated between the Foreign settlement and Moto Iku togawa containing ninety four hundred and ninety one Tsubos and a little over thereof will be reserved as a public Recreation Ground for both natives and foreigners.

Consequently in accordance with the Regulations established and issued by the Government the said ground will be free from taxation and no title deed will be issued for it.

The contour of the ground and the exact number of tsubos contained in it shall be ascertained and recorded

&c

in the Government office of Kobe but an accurate copy of it be shown to the public.

The arrangement for contributing to the expense for improving the ground and to other expenses which will be borne by both natives and foreigners as well as other Regulations will be made conjointly by the Governor of Kobe and the foreign Consuls as agents of their respective nationalities

With respect & consideration

I have &c.

Wm. Kagenori

Vice Minister for F. A.

H. E. Sir Harry Parkes &c &c &c.

Envoy Extr. & Min. Plen. of H.B.M. in Japan

No 175

U. S. Legation
Yokohama Japan
July 12th 1873

Sir

I have the honor to advise you that I have at last obtained an adjustment of the Recreation Ground business at your port which I trust will prove highly satisfactory to all. This morning I received from the Acting Minister for Foreign affairs a note (enclosure no 1) which may be considered as a grant without limit or reservation of time. You will observe that it specifically reserves for the use of all of the inhabitants of your port native and foreign Ninety four hundred and ninety one Tsubos and three go which is believed includes all the land claimed by your council: this grant is made

made rent free and a map of it will be recorded in the Government office at Kobe and a copy furnished to the consul. The expense of laying out and maintaining these grounds is to be borne by the native and foreign inhabitants conjointly. This feature of the concession is one of marked liberality on the part of the Government which might well have claimed that in granting the land rent free it had fairly done its part.

The management of the property is as you will observe placed in the hands of the Consular body acting with the Governor of the Port.

The adjustment of this affair has been attended with some delay which I fear may have proven somewhat vexatious

reations to your Colleagues and yourself. but I beg to assure you that I have earnestly pressed it upon the attention of the Foreign Office with which I had but a slight difficulty in agreeing

But as that Department was compelled to consult and agree with the Finance Department this delay was thus occasioned.

I am assured that the matter is now settled to well understood by the local Japanese authorities at your port. with whom I trust your Colleagues and yourself may now find no difficulty in at once advising and agreeing upon the necessary regulations for the enforcement of the provisions.

I am Sir
Your most obdt Servt
Rutherford Alcock

David Turner Esq
H.B.M. Consul
Hakodadi Japan

No 452

Dated July 27. 1873

20 Enclosures.

Reenatment Ground
Matter at Kobe



Mr O'Connor

Mr O'Connor

Legation of the United States

No 453

to Japan

Yokohama July 8th 1873

From

De Long

U.S. Minister

Inclosure 1 in dispatch No 453 of Aug 8. 73 from Yokohama

Contents

Foreign Court Rules and Regulations.

Legation of the United States

No. 453 in Japan

Yokohama July 31st 1873

Sir,

I have the honor to inform you that some months since when I succeeded the Italian Minister as dean of the corps. he passed over to me, a draft of rules for presenting complaints before Japanese Tribunals by foreigners. 1/453 (Enclosure No 1) together with a letter from the Japanese Government 2/453 communicating the same (Enclosure No 2)

I had

Honorable

Hamilton Fish

Secretary of State

Washington D.C.

I had several interviews with the Japanese authorities upon this subject, in assisting them to draw a more ample code. Finally we + perfected the business to such an extent, that the Government + addressed the Diplomatic Corps, a note (as per enclosure #3) with a revised draft (as per enclosure #4) 3/45 4/45

Personally my opinion was that this Government in taking this step had conferred an important favor upon the Foreign Community and signified in a signal manner, its readiness to depart from its former system of jurisprudence.

I felt pained and disappointed to find that all of my Colleagues treated the matter lightly and

and with marked disfavor, and that probably, I alone of all the Corps replied, expressing my satisfaction with the same. 453 (as per Enclosure to 5)

Some of the objections that were urged by my colleagues appeared to me to be very narrow and technical one was, to the use of the word "must" in the preamble.

Another was because the various treaties with European States provided for the claims of foreigners to be presented by the Consuls, - whereas by these regulations it was proposed to allow the parties to present them directly in person.

Another objection was that the Court of first instance was

permitted to grant a new trial.

And the general objection used, that they had no Courts competent to administer such rules.

I met all these objections by urging, that we should take such reforms as we could get, without expecting to obtain everything at once, and thus encourage this Government in attempting others.

I learn by report only, that the Japanese Government having received unfavorable replies from nearly all of the Ministers, have concluded to withdraw the Regulations, and leave the old system in force.

The condition of a Government

hampered with the doctrine of
extra-territoriality, compelled to
consult in adopting reforms
with ten or twelve Representatives
each anxious to obtain the
adoption of a system specially
in accordance with the system
of his own Government is
extremely embarrassing, and in
my judgement the progress in
Japan is as often checked
by want of accord amongst
Foreign Representatives, as from
any other cause.

I have the honor to remain

Sir

Your obedient Servant

C E De Long

List of Enclosures

No 1. Draft of Court Rules & Regulations

No 2. Letter to Court &c communicating the above,

No 3. Note communicating Consular Draft

No 4. Consular Draft

No 5. Dr Long to Japanese Legation in reply

Inclosure 2

Translation.

Foreign Office
Yokohama 3rd of 12th Month
of 5th Year Meiji

Sir,

Since the decree has been passed declaring the independence of the Administration of justice from the Provincial Government. The Government has found although it worked to its satisfaction and to the parties concerned and that the business was done with greater despatch some modification of the present mode of proceeding are necessary. The Government is desirous that it should be optional with foreigners to have direct recourse to the judge of the Court; submits a project of Regulations to be established and requests the Representatives of the Treaty Powers to take the matter into consideration and to assemble themselves to discuss the subject.

With respect & consideration

Sayeshima Tamenori
Minister for Foreign Affairs

His Excellency
Conte Alessandro Fé d'Ostiani
Envoy Extraordinary and
Minister Plenipotentiary of Italy

Rules for presenting
Complaints before Saibansho
(tribunal) by foreigners.

Foreigners who wish to complain
against any Japanese shall address their
complaint directly to the Saibansho
established at their residence.

In case such foreigners is not
satisfied with the decision made by
the said Saibansho he may appeal
to the Saibansho in the judicial
department.

Process of appearing
in Saibansho.

1. Plaintiff in person or by his advocate
shall appear in the Saibansho with
a man named Sasaisonin.

2. Foreigners who are unable to speak
the Japanese language perfectly shall
bring an interpreter with them

~~~~~~~~~~

System for complaint and documentary
proofs.

Complaints shall be filed in
duplicate.
~~~~~~~~~~

2nd Complaint shall contain the name of Plaintiff and advocate if any and that of Defendant together with year month and day of presenting the Complaint.

3rd It shall contain the residence and occupation of the Plaintiff.

4 Copy of documental papers shall be filed in duplicate.

5th If there be documental papers both of Japanese and foreign text copies shall be filed in duplicate

Foreign Office Tokei
The 6th 7th month 6th
year Meiji

To His Excellency
C. E. De Long.
Envoy Extraordinary & Minister
Plenipotentiary of the U. S. A.

I beg to forward to your Excellency for your consideration the accompanying draft of the Rules in commencing & prosecuting actions against foreigners.

With request & consideration
Yoshida Kagenori
Acting Minister for
Foreign Affairs.

Copy of Translation

The following rules must be observed by all persons in commencing and prosecuting actions against Japanese subjects before the Tribunals of the open ports and cities.

Civil Proceedings.

Section 1st All complaints must be in writing translated into Japanese if required by the Tribunals and signed by the Claimant or some person duly authorized on his behalf and shall clearly set forth.

1st The nationality and place of residence and name of the Claimant

2nd The name or names and place or places of residence of the party or persons against whom the Claim is filed.

3rd The exact sum of money or other relief that is demanded

4th The full particulars of the transaction out of which the claim has grown or upon which it is founded, and:

5th A full and [illegible]

and all credits for money or otherwise received by the claimant from the Defendants within the transactions upon which the action is based

Section 2nd

At the time of filing his complaint the claimant shall deposit a true copy of the same with the Court

Section 3rd

Upon the receipt of a complaint the Court shall at once if the evidence is sufficient issue the proper and necessary process to summon and compel the Defendant or Defendants named in such complaint to appear in said Court and answer to such complaint against them. But he may also have a summon if the evidence is insufficient by deposit of fee of testimony or written security according to the the Regulations of Court fees &c.

Section 4th

The answer of the Defendant must a

be in writing signed in person or by Agent or Attorney duly authorized and shall fully and clearly set forth any and all matters in denial or avoidance of the Claimants complaint. Any statement contained in the complaint that is not denied in the answer will by the Court on the trial of the cause be treated and considered as admitted by the Defendants.

But it shall be duty of the Court to advise the Defendant in respect to the necessity of such denial and to permit the amendment of the answer when justice requires.

Section 5th

The Defendant shall also file with his answer a true and full copy of the same which shall be delivered to the complaint on demand therefor.

Section 6th

The actions so recorded thereon shall be tried in the order of the date in which the answer has been filed unless by order of the Court at the request

and upon the motion of one or both of the parties to the action duly is decided

Section 7

The trial of all actions and the hea of all motions in cause shall be pu and after due and reasonable not to all parties to such actions. All witnesses shall be examined in open Court first by the party producing them after which the opposite party shall be allowed to cross examine them

If the parties to an action or any of the offer themselves to testify upon the trial of a cause the opposite party may also have the right to cross question such witness or witnesses by order of the Court before being examined shall declare himself to tell the whole truth before the court.

Section 8th

After the taking of the testimony in a trial is concluded the Court will listen to arguments on behalf of either of the

either of the parties if desired and if both sides desire to be heard the Claimant shall open and may conclude the argument.

Section 9th

When documentary evidence is offered on the trial of a cause by either a Claimant or a Defendant such party must upon order of the Court prepare and deposit with the Court a true copy of any such document before being permitted to withdraw the original.

Section 10

Parties to an action desiring an interpreter may produce their own but failing to do so the Court may if within its reach direct some competent person to act and charge the costs in whose service he is used a reasonable sum for the service.

Section 11th

The judgment of the Court in all cases shall be in writing and shall be accompanied by an opinion setting forth the reasons therefor; either party to the action shall upon demand be entitled to a

Copy

of such judgment and opinion and also of any or all papers filed in the action.

Section 12th.

Within ten days after the judgement is rendered and filed the party against whom the case is decided may move the Court upon notice to the opposite party for a new trial; and the Court may grant such re-hearing or new trial provided. It shall appear to the satisfaction of Court for any reason, that the judgment it has rendered is so wrong as that since the trial, the party making the motion has discovered new evidence so important in its nature that in the opinion of the court it would have caused a different judgment to have been rendered if it had been produced on the trial.

Section 13th.

Any party to an action dissatisfied with the judgment that has been rendered

rendered by the Sabanaho of apun
ports and ecino may appeal to the
Sabanaho ni the Judicial Department

Section 14

Such appeal to be valid must be taken
within three months after the judgment
sought to be appealed was rendered, and
notice in writing stating that such
appeal is taken must be given to the
Sabanaho ni which judgment was
rendered and also to the opposite party
his agent or Attorney duly authorized

The one who wishes to delay such
appeal can do so for six months
an application to the Court giving bond
or security. When an appeal is taken
the Sabanaho of the apun ports & cities
shall at once transmit with the notice of
appeal to the Sabanaho of the Judicial
Department true copies of all papers
including the pleading of the parties
which are on file in the Sabanaho
in that action.

Section

Section. 15

Lakanaho will compel the party against whom the case is decided to satisfy all judgment that may be recorded against him.

Criminal Cases.

Section 1st

Japanese charged with Criminal act by foreigners shall be publicly tried, the party making the charge and also such witness as he may see proper to produce as also all witnesses pro-duced by the Defendants be examined as is provided in the Rules governing the trial of civil cases.

Section 2

The Lakanaho will send all proper assistance within its power to Compell the attendance of such persons as witnesses as may be desired by either party as in civil case.

Section 3rd

The judgment of the Lakancho in Criminal cases shall be in writing and shall direct such punishment as is proper in all cases when the accused is found guilty

Copy

No 54.

U.S. Legation Japan
Yokohama July 6th 73

His Excellency
Oyama Nagamori
Acting Minister for Foreign Affairs

Sir

I have the honor to acknowledge the receipt of your note of date the 9th inst. enclosing copy of Court-rules and Regulations for my consideration

An examination of these rules and regulations satisfies me that to the extent they go they are similar in all respects to the rules of procedure prevailing in almost all common law countries and especialy in a majority of the States of the United States.

I can see nothing therein in any way objectionable to any existing provisions of the Treaty between the United States and Japan; wherefore I do not hesitate in so far as I am authorized so to do to express my official

approval of the same pending their further consideration and instructions from my Government. I have the honor to congratulate Your Excellency upon this important step towards assimilating the system of jurisprudence of your Government with that of United States. In this connection however I beg to suggest to Your Excellency that the adoption of rules and regulations however sufficient and wise will not alone avail to secure the ends of justice. Rules require to be enforced by Courts presided over by upright and enlightened judges learned in the law. I have many times written on behalf of my Colleagues and myself I had the honor to inquire of your about the organization of your judicial Tribunals. I beg to call Your attention to that despatch and to solicit an early reply thereto.

I have the honor
Sir
Your most obdt
C C Adams

Acknowledged
Ack. 6 Sept Gen Berdan

Legation of the United States

No 454 in Japan

Yokohama July 31. 1873.



From

C. E. DeLong

U. S. Minister

Contents

Detailing co-operative efforts made by the Diplomatic corps to secure the opening of Japan to Trade & Foreigners.

Legation of the United States

No. 454 in Japan.

Yokohama July 31. 1873

Sir,

I have the honor to inform you that at a meeting of the Diplomatic Corps held at the British Legation a few days since, Sir Harry Parkes read a paper in advocacy of joint action on the part of the Foreign Representatives in an effort to secure the opening of Japan to trade by Foreigners. The paper as read seemed to meet with general favor and

Hon. Hamilton Fish

Secretary of State

Washington D.C.

and it was agreed that a Protocol embodying our views upon the subject should be prepared, and signed by all, and that a note identique should be addressed by us to the Government.

Feeling quite unwell, I left the conference, leaving my Colleagues to prepare the documents, stipulating only, for delay on my part until our mail (which was expected the next day) should arrive, not knowing but Judge Bingham might be on board.

On the following day, I received
1/154 the Protocol (Enclosure No 1)
which I signed reserving to my
Successor full freedom of
thought and action upon the

the subject, and on the following day, I addressed this Government a note as agreed upon (Enclosure No 2) 2/54

After signing the Protocol I received from my British Colleague, what purported to be a draft of the paper which he had read at our meetings, but which I found to be in some respects quite different from my recollection of the one read. As the British Minister in this draft, requested his Colleagues to exchange views fully and freely upon the subject, I felt called upon to, and did propose certain Amendments to the draft, and passed the same with my proposed Amendments

8/4 54

to my French Colleague.

(Enclosure No 3)

The corps met again on the 28th instant, when this paper with the amendments I had offered formed the subject of animated discussion. Some of my Colleagues agreed with the amendments I had offered in whole, since in part, and some had others of their own to offer. But it was finally resolved by all but the British Minister and myself, that the paper was not one that the corps was called upon to sign or take action relative to, -

I thought differently, because of its being referred to by the Protocol, - and agreed with my

British Colleague that it was best, if possible, to revise this draft and agree upon it, to prevent any appearance of a misunderstanding.

On the 29th instant, the British Minister called upon me, and we agreed to a revised draft (Enclosure to 4) 4/4b

What action my other Colleagues will take relative to the paper I do not know. I fear that an attempt to unduly force concessions from this Government, will have a negative effect from the one desired. But governed by your instructions relative to co-operation, I have felt constrained to take this

action.

Trusting to your approval,

I have the honor to remain,

Sir,

Your most obedient Servant

List of Enclosures

No 1. Copy of Protocol

" 2. " " Joint note to Japanese Government.

" 3 " " Draft with amendments proposed by me

" 4 " " Revised Draft

Copy

Yokohama
Japan
July 24th 1893

H. B. M. Legation

Present-

The Representatives of

France
Germany
Great Britain
Italy
The Netherlands
Russia
Spain
The United States

Sir Harry Parkes read the annexed memorandum containing his views on the question of the interior of Japan being opened to foreigners in general

all

all the Representatives expressed their entire approval of the views and deductions contained in the memorandum and it was agreed it should be taken as the basis of their joint-action

It was farther agreed that the question to be brought before the Japanese Government was to be only that of the right of travel for any lawful purpose, not of permanent residence in the interior and all possible guarantees should be offered to the Japanese Government in order to avoid collisions or difficulties such guarantees comprising for instance a

system

system of passports, securities to
be deposited by foreigners: the
right of the Japanese authorities
to arrest foreign offenders in
order to send them to the nearest
treaty port and to settle of their
own authority all claims
arising between foreigners and
Japanese out of the payment of
Hotel bills fares or similar
questions. All the representatives
were however unanimously of
the opinion that the submission
of foreigners to Japanese jurisdiction
in the interior could on no
account be admitted.
It was farther agreed that they
should enter into agreements with
the

the Japanese Government upon
the subject and that to this effect
a note identique should be
addressed to the Japanese
Government leaving it optional
with them to enter into negotiations
immediately or wait until
the return of His Excellency
Sayeshima. Sir Harry Parkes
kindly undertook to draft the
note and put it into circulation

Bertheny
Von Brandt
Harry Parkes
Pruckerlin
Eug. Butzow
& Rodriguez y Lemos
M Sitta
Le Dubourg

Copy
No 67.

U.S. Legation
Yokohama
Japan July 26th 1875

His Excellency
Okuma Kaguori
Acting Min. for F.A.

Sir

I have the honor to invite
the consideration of Your Excellency
to a question which in the minds
of many Colleagues the
Foreign Representatives and
myself is held to be deserving of
the best attendance of the Japanese
Government. Your Excellency is
aware of the disadvantages which
foreigners visiting or residing
in Japan continue to be placed
in regard to liberty of travel in the
interior and that the practice which
no longer exists in any other country of

of confining foreigners within a small circle around each treaty port is still in force in Japan. It is true that this rule has been relaxed of late in certain instances but as an foreigner naturally feels the injustice of being excluded from advantages to which another is admitted, the time appears to have arrived when the question should be considered by the Japanese Government in conjunction with the Foreign Representatives with a view to the conclusion of such arrangements as shall harmonize with recent changes in the material condition of Japan and with the

the renewed assurances which she
has given to all of the Treaty
Powers of her desire to cultivate
with them close relations
We cannot doubt that Your
Excellency concurs with the
Foreign Representatives that
the restrictions upon foreigners
which we think should now
be removed belong to a bygone
period of foreign intercourse
with Japan and to a state of
divided authority which has
now been happily suspended
With the friendly feeling which
the Japanese people and foreigners
mutually entertain for each other
and with that perfect liberty of residence

and travel which is so freely accorded to all subjects of His Majesty the Sumo throughout the territories of the Treaty Powers.

It is due at the same time to Your Excellency's Government to observe that the Foreign Representatives are quite prepared to establish rules for the Government of their countrymen when in the interior which shall specially guard against the occurrence of disorder or public inconvenience. I have to request Your Excellency to be so good as to inform me whether you are prepared to enter at once upon the discussion of this question

question or whether you would prefer recognition would be deferred until the return of His Excellency Soyeshima who now understand is shortly expected.

I embrace this opportunity to renew for Your Excellency the assurances of my high consideration

L. C. Delong

Copy

1103

To Hon'ble. C. C. De Long
Mons. Buthemy
Mons Mekenlin
Mons Rodriguez
Mons Butzow

Note;

In circulating this copy of the Memorandum read and approved yesterday at the meeting of the Foreign R.R., Sir H. P. requests his Colleagues to be so good as to freely note either in the margin or at foot any views or observations that may occur to them

July 25.
8. am.

H.S.P.

Copy

Confidential.

Memorandum.

I beg to invite the
attention of my honorable
colleagues to the question
of the admission of foreigners
into the interior of Japan
the highest importance of the
question, and the manner
in which it presses itself upon
our notice in various ways
leads me to think that the
time has arrived when we
should come to a common
understanding upon this subject
and should cordially invite
as we have formerly done
when any great general

object

object has to be promoted
in a common course of
actin
I think we are all
satisfied from our knowledge
of Japan that foreigners may
safely travel in the interior
the hostility to which foreigners were
at one time exposed
ceased as soon as it was
no longer instigated for political
ends. It was at all times
confined to the armed class
because this was the only
one that could be used by
political

1 political parties for such
2 a purpose and the danger
3 created by exciting or not
4 controlling that class was
5 at all times greater at the
6 Centre of Government (whose
7 political quarrels had
8 to be fought) than any where
9 in the interior of the country
10 From the first advent of
11 foreigners under the Treaties
12 until the present date and
13 throughout the troublous period
14 which preceded the Revolution
15 the ordinary Japanese population
16 either of Towns or villages have
17 never manifested any hostility
18 towards foreigners

Even

4

Since the Revolution
the country has been
travelled from end to end
by foreigners travelling under
official character and to a
much greater extent by
foreigners in the official or
private employ of Japanese
Travellers of all classes
have invariably met with
civility and often with kindness
from the people while foreigners
in the service of Japanese
have resided continuously for
years

years, and in consequence
with their families at many
places in the interior, some
times at a distance of
hundreds of miles from any
open port or foreign settlement
without being exposed to
apprehension on account
of their personal safety
It is obvious therefore,
that the necessity which at
one time existed for confining
foreigners to the narrow limits
named in the Treaties either
for considerations for their
safety

safety with prevent political
disturbances such as
have and the difficulties
which so impede freedom
of travel in the interior of
Japan as created by the
Japanese Government themselves
for reasons of a very different
nature.
So one can fail to be
struck with the anomalous
position of foreigners in Japan
and the peculiar disposition
of the Government, a Government

which

which claims to have entered
on a course of progress and
to have adopted a liberal
policy in its relations to
foreign States; which does
not hesitate to send
members of its officers or its
students to every country
with which it has treaty
relations, knowing well that
the utmost freedom of residence
or of travel is there allowed
them, that every institution
is thrown open to them and
that

8

that any assistance which
they ask for is speedily supplied
this Government in return
forbids foreigners to penetrate
the interior of Japan beyond
the insignificant distance of
25 miles
Strange as this anomaly
appears it becomes more
so when we observe the
manner in which the
Government enforces the prohibition
and the objects which it is

made

made to serve
All foreigners in the service
either of the Japanese Government
or the Japanese people are
freely allowed to go into
the interior whenever it
pleases their Japanese
employers to profit by their
services. Consequently we
find them scattered over
the country not only as
teachers of languages or of
science but also employed
in the management of hospitals
in working mines setting up or working
Manufactories

working manufactories
breeding stock
inspecting plantations or selecting
produce. It is only to those
foreigners who wish to go into
the interior on their own
account whether for purposes
of trade travel or recreation
that the prohibition is applied.
It is evident that such
restricted arrangements cannot
fail to prove highly detrimental
to the general interests of
foreigners. They are eminently
calculated

1 Calculated to promote those
2 monopolies which the Japanese
3 Government show themselves
4 so greatly disposed to favor
5 and to foster and encourage
6 the legitimate business of
7 the foreign merchant. What
8 chance has the latter when
9 confined to his residence at
10 Port, & competing against
11 combination such as may
12 be found by the native
13 trader or the native official
14 who are now so often found
15 to be allied together and who

can

1 Can proceed at will to all
2 the markets in the producing
3 districts of the interior
4 Taking with them any foreigners
5 who may choose to accept
6 their services in the early
7 or in name and establishing
8 him in the interior for a
9 longer or shorter period as
10 may be found suitable
11 to their particular enterprises.
12 Treaties can scarcely
13 be invoked in defence of
14 arrangements which are attended
15 with such unequal and such

unjust

::

1 unjust effects. The restrictions
2 agreed to on the opening of
3 commercial intercourse with
4 Japan was adopted by all
5 the contracting parties to the
6 various Treaties from the
7 conviction that they were then
8 essential to the safety of
9 foreigners and the maintenance
10 of peaceful relations with Japan
11 But it cannot now be said
12 that these restrictions are
13 any longer needed for this
14 object and the question arises
15 whether the Japanese Government
are

1 are at liberty to apply them
2 to objects other than those
3 for which they were intended
4 objects not only wholly
5 different to the latter but injurious
6 having no regard to the
7 protection of the foreigner
8 but aimed at the restriction
9 of his natural liberty
10 and his trade.

11 We are of course aware
12 of another reason (apart
13 from the desire to hamper
14 trade or to get it into
15 their own hands) which

doubtless

1 doubtless actuates in an ~~eq~~
2 equal or more in a greater
3 degree the opposition of the
4 Japanese Government to the
5 circulation of foreigners in
6 the interior. This is the
7 anxiety which they have
8 recently exhibited to deprive
9 foreigners of their extra-territorial
10 privileges, and to bring them
11 under Japanese jurisdiction.
12 We all know how recent is
13 the growth of this pretension
14 since it was only as late
15 as 1871 that the Japanese
Government

16

Government gave extra territorial
rights to the inhabitants
of the Sandwich Islands. We
also know how entirely
unprepared they are for the
exercise of jurisdiction over
foreigners save that torture
and crucifixion are features
in their present criminal
proceedure, while no improvement
has been effected in the deplorable
State of their prisons, which
they have been specially urged to rectify
but what remains
wholly unfit for the imprisonment
of foreigners. It is
easy

1 easy thereforn to perceive
2 that many years of persevering
3 effort are needed before they
4 can frame laws and procedure
5 to which foreign governments
6 could reasonably subject their
7 people, or before they succeed
8 in constituting courts, and
9 supplying themselves with judges
10 competent to undertake the
11 administration of a judicial
12 system similar to or in
13 harmony with that of Western
14 powers. Would it be just
15 it may be asked or even

in

1 in accordance with the
2 dictates of common cause
3 that foreigners should be
4 denied access to the interior
5 of Japan until a satisfactory
6 judicial system can be
7 matured.
8 It cannot I think
9 be contended on the part
10 of the Japanese Government
11 that the admission of foreigners
12 into the interior under
13 foreign jurisdiction would
14 occasion trouble or disorder

&c-

It is of course contemplated that foreigners when in the interior should be subject to stringent rules carefully framed by the foreign representatives in conjunction with the Japanese Government in order to meet all requirements necessary for the maintenance of peace and order. All those foreigners who are at present in the interior, are of course subject to their own, that is, foreign

Jurisdiction

jurisdiction and we hear of
no trouble arising out of
this circumstance It may
also be concluded that
arrangements similar to
those which have long
stood the test of experience
in Turkey Egypt and Persia
in China and Siam may
be found to answer in
Japan.

The subject presses for attention
because we see
that it is already
being agitated in various

ways

1 ways Recent negotiations
2 have given rise to vague
3 reports which ~~often~~ greatly
4 unsettle the minds of
5 foreigners. The subject is
6 discussed in the press.
7 And the Japanese authorities
8 are moving in the matter
9 in their own peculiar way
10 and for their own ends
11 The ~~manner~~ in which the
12 privilege of travelling in the
13 the interior is granted to some
14 foreigners at the expense
15 of others is felt to be an
16 injustice and to be injurious

1 injurious to the interests
2 of commerce to defer
3 action, until the revision
4 of the Treaties can be
5 entered upon appears inadvisable
6 because delay may complicate
7 the question, and it is
8 altogether impossible to say
9 how long the negotiations for
10 the revision of the Treaties
11 may be prolonged, judging
12 from the difficulties we
13 have lately experienced in
14 endeavoring to obtain the
15 recall of certain unauthorized

customs

Custom House Regulations
and the revisal of others, and
looking to the unaccommodating
spirit which now animates
the Japanese Government we
certainly cannot count upon
a rapid progress in such
negotiations and instead
of obtaining the improvements
which might be expected
from a liberal Government
we may find it difficult
enough to maintain existing
rights.
These are some of the
suggestions

suggestions which occur to
my mind in connection
with this question and in
respectfully bringing them to the
notice of my honorable
Colleagues, I venture to
request that we should
exchange our views fully
and freely on the subject
in the hope that we may
arrive at uniform conclusions
and agree to an uniform
course of proceeding
as appears to me to be
of vital importance that

there

1 There should be complete unity
2 of feeling and of action among
3 us. United we may be able
4 to meet the peculiar difficulties
5 with which we have to contend.
6 but without such unity, we
7 shall fail to advance either
8 general or individual interests
9 and shall materially strengthen
10 the hand of our opponents

July 24th

Copy

Upon perusing the foregoing draft I find it to be somewhat different from the one read at our conference. With due respect I beg to suggest, that, as this document when concluded, promises to form a very important state paper, — one that will record great credit at the hands of the various governments we represent, and as it may by possibility become known to the Japanese authorities, I consider it a matter of first consequence that it should be kept free of all language calculated to annoy or challenge the contradiction of the Japanese, and certainly it should not be allowed to contain any assertion relative to existing facts that one of us if called upon to prove could not at once do. By plain reference. Annexation by this feeling solely, I beg

beg to suggest the following amendments thereto. viz. - On page 11, strike out the words "those" from line 1 and the words "which the Japanese Government show themselves as greatly disposed to favor". lines two, three, & four. same page; Page 14, in line 3, add after the word "deem" the words "that may exist". On page 16 line 7, after the word "foreigners", insert the following "notwithstanding the praiseworthy "effort that has been made by this "Government to assimilate the practice "in its Courts to the rules prevailing "in States where common law doctrines "are in force." On page 17. line 2, strike out the words "many years of", and insert "much time and",

after the word "order" in line eleven, page
thirteen, insert the words "only such
foreigners to be allowed to enter the
interior as first obtain passports from
their Diplomatic Representative or Consul
after depositing a reasonable sum of
money as security for good behavior,
and that they will liquidate all expenses
incurred by them, giving the Japanese
Government the right to arrest offenders
and return them to the officers of their
governments at the nearest treaty port;
Also giving the Japanese civil jurisdiction
over such persons to the extent of ——
maintaining and determining suits
brought to recover hotel bills, coolie hire
and similar claims."

Page 23, lines three, four and five

strike out the following language
"looking to the unaccommodating spirit
which now animates the Japanese
Government" and insert in lieu +
thereof, the words "other examples.
Same page line eleven, strike out
the words "from a liberal government"
and insert in lieu thereof the words
"under after circumstances."

Respectfully
submitted
Dr Lamb

Confidential

Memo of Sir Harry Parkes.

I beg to invite the attention of my Hon. Colleagues to the question of the admission of foreigners into the interior of Japan. The high importance of the question and the manner in which it presses itself upon our notice in various ways leads me to think that the time has arrived when we should come to a common understanding on the subject and should cordially invite as we have formerly done when any great general object had to be promoted in a common course of action. I think we are all satisfied from our knowledge of Japan that foreigners may safely travel

travel in the interior.

The hostility to whites foreigners were at- one time exposed ceased as soon as it was no longer instigated for political ends. It was at all times confined to the armed classes because this was the only one that could be used for such a purpose and the danger created by resisting or not controlling that class was at all times greater at the centre of government where political quarrels had to be fought than anywhere in the interior of the country.

From the first admit- of foreigners under the Treaties until the present date and throughout the

the troublous period which preceded
the revolution, the ordinary Japanese
population either of towns or villages
may be said to have never manifested
any hostility to foreigners
Since the revolution the country has
been traversed from end to end
by foreigners travelling in an
official character and to a much
greater extent by foreigners in
the official or private employ
of the Japanese.
Travellers of all classes have
invariably met with civility
and often with kindness
from the people. while foreigners
in the service of the Japanese
have resided continually for
years and in some instances
with their families & many places
in

in the interior. Sometimes at a distance of hundreds of miles from any open port in foreign settlement without being exposed to any apprehension on account of their personal safety. It is obvious therefore that the necessity which at one time existed for confining foreigners to the narrow limits assigned in the treaties either from considerations as to their safety or to prevent political disturbances exists no longer, and the difficulties which now impede freedom of travel in the interior of Japan are created by the Japanese Government themselves for reasons of a very different nature.

No one can fail to be struck with the anomalous position of foreign

foreigners in Japan: and the peculiar disposition of the Government.

A Government which claims to have entered on a course of progress and to have adopted a liberal policy in its relations with Foreign States which does not hesitate to send numbers of its officers or students to any country with which it has Treaty relations knowing well that the utmost freedom of residence or of travel is there allowed them, that every institution is thrown open to them and that every assistance which they ask for is freely supplied; this Government in return forbids foreigners to penetrate the interior of Japan beyond the insignificant distance of twenty five miles.

Strange.

Strange as this anomaly appears, it becomes more so when we observe the manner in which the government enforces the prohibition and the object which it is made to serve. All foreigners in the service either of the Japanese Government or the Japanese people are freely allowed to go into the interior whenever it pleases their Japanese employers to profit by their service consequently we find them scattered over the country not only as teachers of languages or of science but also in the management of hospitals, in sinking mines setting up & working manufactories breeding stock, inspecting plantations or selecting produce, and only to them foreigners who wish to go into the interior on their own account

account whether for purposes of trade travel or recreation that the prohibition is applied. It is evident that such an ordid arrangement cannot fail to prove highly detrimental to the general interests of foreigners. They are all eminently calculated to promote monopolies with which some Departments or officers of the Department are often found associated and to filter and contract the legitimate business of the foreign Merchant What chance has the latter when confined to his residence at a port of competing against such combinations as may be formed by the native trader or the native official who are now so frequently allied together and who can proceed at will to all the markets or

all

all the producing districts of the interior taking with them any foreigner who may chose to accept their service either as a guard or as a commercial agent and establishing them in the interior either for a longer or a shorter period as may be found suitable to their particular enterprises.

Treaties can scarcely be invoked in defence of arrangements which are attended with such unequal and such unjust effects.

The restrictions agreed to on the opening of commercial intercourse with Japan were adopted by all the contracting parties to the various Treaties from the conviction that they were then essential to the safety of foreigners and to the maintenance of peaceful relations

relations with Japan. But it cannot now be said that these restrictions are any longer needed for this object and the question arises whether the Japanese Government are at liberty to apply them to objects other than those for which they were intended which bear no relation to the protection of the foreigner and are only aimed at the restriction of his natural liberty and his trade. But apart from the disposition to enforce such and control the trade of the foreigner which has been the subject of complaint from the time the treaties were signed we know that there now exist another reason for the opposition which the Japanese Government evinces to the circulation of foreigners in

in the interior. This is the unity which they have recently strived to deprive foreigners of their extra-territorial privileges and to bring them under Japanese jurisdiction. We all know how recent is the growth of this pretension since it was only as late as 1871 that the Japanese Government gave extra territorial right to the inhabitants of the Sandwich Islands We also know how entirely unprepared they are for the exercise of jurisdiction over foreigners: notwithstanding the proposals they have recently made to assimilate the practice the practice in their Courts in the hearing of cases in which foreigners are concerned to the rules prevailing in Western States

States we have still to remember that torture and crucifixion are features in their present Criminal procedure while no improvement has been effected in the deplorable state of their prisons which they have repeatedly been urged to rectify but which remain wholly unfit for the confinement of foreigners. It is easy therefore to pursue that many of our pursuing efforts are undid before they can reasonably be expected to succeed in permanently establishing a judicial system which shall not only be based in regard to forms upon that of British Powers by the efficient manner in which it is worked that they can safely subject their countrymen

contiguous to its jurisdiction.
Would it be just or reasonable
it may be asked that foreigners
should be denied access to the
interior of Japan until the time
when such a system can be
matured. It cannot I think
be contended on the part of the
Japanese Govt. that the admission
of foreigners into the interior
would occasion trouble or
disorder. It is of course only
contemplated that foreigners
when enjoying the right of
travel in the interior should
be subject to stringent rules
carefully framed by the foreign
Representatives in communication
with the Japanese Government
in order to meet all the requirements

requirements and meet the latter with all the control necessary for the maintainance of peace and order. The experiment has indeed already been tried in the case of all those foreigners who are at present living in the interior in the employment of Japanese. They are of course subject to the jurisdiction of their own authorities and we hear of no trouble arising out of the circumstance of their not being amenable to native law. It may also be concluded that arrangements such as those which have long stood the test of experience in Turkey, Egypt and Persia in China and Siam may be found to

to answer in japan. The subject
presses for attention because we see
that it is already being agitated
in various ways. Recent negotiations
have given rise to various vague
reports which greatly unsettle the
minds of foreigners. The subject
is discussed in the foreign and
native press and the Japanese
Government are moving in the
matter in their own peculiar way.
The manner in which the privilege
of traveling in the interior is
granted to some foreigners at
the expense of others is felt to be
an injustice and to be injurious
to the general interest of Commerce.
To defer action until the revision of
the

the Treaties can be entered on
appears undesirable because delay
may complicate the question
and it is altogether impossible
to say how long the negotiations
for the revision of the Treaties
may be prolonged.
Judging from the unsuccessful
endeavors we have lately made
to obtain the recall of certain
unauthorized Customs Regulations,
from the delays we have
experienced in determining a
fair interpretation of Tariff
questions and in dealing
with other matters of a similar
character we certainly cannot
count upon any rapid advance

in

in such negotiations, and instead of readily procuring those concessions which might be expected from that desire for progress to which this Government lays claim we may find it difficult enough to maintain existing rights.

These are some of the suggestions which occur to my mind in connection with this question and in respectfully bringing them to the notice of my Hon. Colleagues I venture to request that we should exchange our views fully and freely on the subject in this hope that we may arrive at uniform conclusions and agree to an uniform course of

of proceeding. It appears to me to be of vital importance that there should be complete unity of feeling, and of action among us. United we may be able to meet the peculiar difficulties with which we have to contend, but without such unity we shall fail to advance either individual or general interests and shall materially strengthen the hands of our opponents.

Harry S Parkes

H. B. Mo Legation
Yokohama July 24th/1893

seen and approved
Delany

U. S. Legation Japan

C Eldridge
Minister

No 454

4 Enclosures

Dated July 31st 1873

Detailing co-operative
efforts made by Diplomatic
corps to secure the
opening of Japan to
trade & foreigners

1 Dip Bureau

Feb Mr Bingham to Yokohama 1 refund
Did so 15th Feb.

DEPARTMENT OF STATE
RECEIVED
SEP 4 1873

Legation of the United States
No 455 in Japan

Yokohama July 31. 1873

From

C. E. De Long
U. S. Minister

Contents

C. C. Shepard withdraws American protection from the house of Schultze Reis & Co

He wilfully continues to obtain the issuance by use of a passport unrightfully, and secretly exports the matter to you.

Legation of the United States

No. 455 in Japan

Yokohama July 31. 1873

Sir,

I have the honor to inform you that on the 24th instant I received from Mr Adolphe Schultze, a note (Enclosure No 1) informing me that Mr Geo. Shepard had withdrawn the protection of the American Government from him, and from his house of Schultze Bros & Co. and asked

1/455

me

Hon Hamilton Fish

Secretary of State

Washington D.C.

my assistance &c.

With this note was fourteen enclosures, marked respectively "A, "B. C. D. E. F. G. H. I K. L. M. N. & "O." (Enclosure No 2.)

By an examination of this note, you will observe that the firm of Schultze Reis & Co. has been registered here as an American House in the Consulates at Kobe and at Yokohama for twelve years past. That Paul Frank Esq- when Consular Agent at Hiogo certifies on sub-enclosure "D." to the sufficiency of proof of citizenship under date of January 21st 1868. That my predecessor General Van Valkenburgh several years before

my arrival here, issued a passport to Adolphe Schultze as an american citizen, certifying that he was such, of his personal knowledge.

That following this, upon the return of Mr Schultze to Japan only a few months since, Mr. C.O. Shepard registered him as a citizen and certified his action up to me, by a note reading as follows:

"No 11 U.S. Consulate

Kanagawa Jany 6. 1873

Hon Chas C. E. DeLong.

U.S. Minister

Sir:

In obedience to your No 1, I beg herewith to hand you a list of American citizens whose names are found upon the Consular

Consular Register

I have the honor to be, Sir,

Your obedient Servant

(Sgd) C. S. Shepard

Consul

which I reported to you in my No 239 with the List sent up by Mr Shepard, in which you will find the name of Mr Adolph Schultze.

From Mr. Schultze's note, it appears that Mr Shepard continued to administer the affairs of the Firm as an American House, until a few days prior to the sailing of the last mail for San Francisco which, it seems that he raised the question of the right of this Firm to receive American

protection, without assigning any special reasons for having done so and when Mr Schultz asked of him what further proofs he wanted he replied that he wanted a new passport to be produced. which Mr Schultz applied to me for, and which I unhesitatingly granted, as I had no reason to doubt his citizenship, having the certificates of Mr Frank. Mr Shepard, the passport issued by Mr Van Valkenburgh and his common reputation here for the last twelve years, as proofs thereof. It further appears that when Mr Shepard received this passport, he decided the matter against Mr Schultz

withdrew the protection of our Government, and notified the Japanese Authorities of his action.

The conduct of the party Consul Shipard appeared very arbitrary and mysterious. But in reply to Mr Schultze, I informed him that I could not render him any assistance, as it now appeared to me that he was not in fact, a citizen of the United States, and I requested him to return me the passport for cancellation. (Enclosure No 8)

2/45

I received a reply from Mr Schultze on yesterday, advising me that he had placed himself and his House under German protection, thanking

me for the kind offices I had rendered
me, and informing me that he
could not obtain the passport from
Consul Shepard (Enclosure No 4) 4/4 3-8

With this, came as an enclosure
a note which he had received from
Mr. Shepard reading as follows

"(Received July 29. 1873)
(Adolph Schultze) "memorandum
"From the United States Consulate
"Yokohama Tuesday 187-
"Ad. Adolph Schultze Esq.
"No 24
"Dear Sir,
"I regret to say that I cannot
"return the passport alluded to
"until I receive from Washington
"an ans. to my communication
"Enclosing it. Yours

" Yours very truly

" C. O. Shepard "

This brief note makes the matter entirely clear to me.

Mr Shepard finding out that Mr Schultz was not a citizen, suppressing this information from me, directs him to obtain a passport which he knew I would not hesitate to grant.

Obtaining possession of the same, he rejects it as evidence contrary to his implied promise made to Mr Schultz, and I presume reports the fact of my having issued it to you, as an evidence of my having done something wrong in my office.

You will know whether this

is true or not, and if you have
received such a dispatch, will
also learn from this one, that
I had every reason for my action,
and that Mr Shepard in conspiring
to procure the wrongful issuance
of a passport by me, in
suppressing such information as
should have been given to his
superior officer, and in subsequently
seeking to make use of it to his
detriment, has been guilty of
conduct unbecoming an officer
or a gentleman, and has
himself furnished me another
evidence of his entire unworthiness

I respectfully submit that
his conduct in this business
deserves your severe censure

I have the honor to be

Sir

Your obedient Servant

List of Enclosures

No 1 Letter from Adolphe Schultz &c

" 2 Enclosures (14) with same

" 3 My reply to Mr Schultz

" 4 Reply from Mr Schultz

enclosing note from Mr Shepard.

Received July 24th 1873

Copy

Yokohama
Japan } 24th July 1873

Sir

With reference to my conversation I have had the honor to hold with you on the 22nd instant respecting the withdrawal from me of the protection of the U.S. flag by C.P. Shepard Esq. U.S. Consul at this port. I now beg to lay before you the facts and circumstances concerning my claim to the continuation of the protection of the American Government as a citizen of the United States

I arrived in San Francisco California in the year 1852, declared in the United States Circuit Court for the district of California my intention to become a citizen of the United States under date of the 22nd April 1854. as per enclosed document marked A. In 1858 I left for the East Indies, Singapore and Batavia, remained there till the beginning of 1860, went then for a trip to Japan and returned to Batavia in the same year, left again for Japan and arrived

in Yokohama in March or April 1861.

On my arrival here I presented to the then U.S. Consul at Yokohama (Kanagawa) General Dore my document marked A claiming the protection of the U.S. Government under that declaration of citizenship dated San Francisco or rather California 22nd April 1856 which claim General Dore recognised and thus accorded to me all and that protection sought for by having not only registered my name in the books of the U.S. Consulate of Kanagawa but also that of my firm Schultz Reis & Co which firm I together with Mr. A. Reis then established that is to say after my registration in the US Consulate was completed, further our deeds of property and other interests were also duly entered on the records of that Consulate at the time. In 1862 a claim arose on behalf of my firm against the Japanese Authorities which was referred to the U.S. Minister in Yedo Townsend

Harris, but before Mr. Harris took the matter in hand he demanded to see my American Citizen papers

Mr. C. S. Duncan then — U. S. Vice Consul of Kanagawa sent Mr. Harris the document-referred to above marked "A" as you will see from Mr. Duncans note dated Yokohama July 15th. 1862 and which I herewith enclose as evidence for your kind perusal marked B.

Mr. Duncan handed me meanwhile a certified copy of my "Declaration of Intention" and which I also enclose as circumstantial evidence which is marked "C".

Mr Harris after a few days returned me the original declaring himself satisfied with it and then settled the claim of my firm with the Japanese Authorities — In May 1862 if I remember right. General Pruyn came to Japan as Minister of the United States and Mr. Geo. L Fisher as U.S. Consul and when taking charge of their respective offices both recognized me again as well as my firm as U.S. Citizens and treated me as such in every respect.

After General Pruyn

and Mr. Fish. Genral Vanvalkenburgh
and Genral Stahl came to Japan in
1866 or 1867 as U.S. Minister and U.S.
Consul respectively and followed the
same course with me my firm and
their property as before. So much so
that in 1868 Genral Vanvalkenburgh
granted me passport with which I
left for Europe and which passport
is now in your possession. During my
absence from Japan I principaly stayed
in England but went to the United States
in 1871 and again in 1872: Before
leaving Japan in 1866 my firm established
a branch in Hiogo and was duly
registered in the U.S Consulate as per
enclosed certificate marked "D" In 1871
my firm in Hiogo received a communication
from C. Crank U.S Consul at Hiogo and
which you will find enclosed under letter
Upon receipt of this letter my partner Mr
Rue addressed upon upon the subject

as

as per enclosed Spec copy marked "F"
to which a reply came by P. Frank & Co.
addressed to my firm in Hongo and
which I send you herewith under letter "G."
To this correspondence I beg to call your
attention as from that I assume my
firm could not but be convinced that
any doubt as to our right or no
right to the protection of the U.S.
Government was removed for ever and
indeed such has been further substantiated
by what occured afterward on my
return here in 1872. On my arrival
here in December last I went to Mr.
C. P. Shepard U.S. Consul to report
myself when Mr. Shepard asked me
for my citizen papers I showed him
my "Declaration of Intention" with which
he was however not satisfied as regards
a new registration and asked me if I had
no other papers. I then handed him my
passport of 1868 issued by Mr. Van Valkenburgh with which Mr. Shepard declared
himself perfectly satisfied and went so far as

as to any way I did not show him the passport at once. He now had nothing farther to object to and asked me to register my name in his Consulate which I did. This took place in January last. Since then and up to the 12th June 1873 nothing occurred between me, my firm and Mr Shepard. which possibly could throw a doubt upon my right of his protection, on the contrary as late as the 9th of this month my firm received from the U.S. Consulate enclosed Summons marked "H" in order to appear before him and open Court to answer some charges brought against me by a Japanese Merchant but who had broken his engagement with me. Accordingly I and Mr. Van der Hyde went on the 12th inst to the American Court but the case was postponed by Mr. Shepard till the 15th of July.

Before I could have

leave

leave the Consulate Mr. Shepard called me into his office and said: You know perhaps there is a misunderstanding between myself and Mr Delong. to which I replied that I had heard of it but nothing more

Well Mr Shepard proceeded: Your passport upon which I took your register is a very old one and you must have another one for a passport is only good for a year and without a new passport from the Minister your registration does not hold good, or something to that effect.

This communication of Mr. Shepard took me at no little surprise, and I answered him. Can tell me this now after you have declared yourself satisfied with papers and have asked me in January last to register myself as a citizen of the United States? Mr Shepard remarked: I cannot help it and asked me what I intended to do to which I answered that the matter was of so great importance especially as the property of the firm was sold

called and had to be transpired that I had to consider the matter.

In the course of the same day 12th July but in the afternoon I received from Mr. Shepard, enclosed letter marked "B" in consequence of which I went to him on the 14th of July

On my arrival at the Consulate Mr Shepard called in Mr Geo A. Mitchell C. C. Clerk, and the Consular Marshall, took from me the oath and put to me the following questions which were write down by his Clerks.

"When did you come to the United State
"When did you declare your intention to
"become a citizen of the United States"
"When did you declare your intention to
"become a citizen of the U.S."
"When did you leave the U.S. again"
"Have you resided again in the U.S.
"since 1856. and so forth."

To all these questions I answered

true to the same effect as stated in the Communi
down

soon after this proceeding the U. S. Deputy Marshall called at my office. handed me a paper on which the foregoing answers were drawn up with request to sign the same which I did after some alterations and additions were made to it with the consent of Mr. Shepard.

The next day the 13th of July when coming at the Consulate to hear the case which was brought against my son Mr. Shepards Court. I was informed the Court could not be opened unless I got the new passport and I had better go to you at once. I then called upon you by order of Mr. Shepard and asked you for a new passport which as you will remember was handed me at once having the old passport signed by Mr Van Valkenburgh in your hands.

With the new passport I returned to the Consulate handed the same to Mr Shepard who put the same on his desk saying that he would now consider the matter during forenoon for the purpose the case

against my firm until the 25th inst.

On the 22nd inst I received the enclosed letter marked "K" from Mr. Shepard dated the day before informing me of the withdrawal of his protection from me. After due consideration of the above communication I wrote Mr. Shepard an official letter in the name of my firm and of which I also hand you copy marked L. To this letter of mine I received back Mr Shepards letter marked M. but as the same did not answer my questions properly I wrote him this morning another letter marked N. whereupon I received mr Shepards letter marked O. The foregoing constitutes the real facts regarding the withdrawal of the protection of the Brd Government from me and thus from my firm which I beg to submit to you for serious consideration with the request to inform me whether Mr Shepard is justified in what he has done, that is to say

whether

whether he has a right to withdraw that protection or not. The matter is of so great importance to me and my firm that I naturally feel anxious to have a decision from you as soon as possible

With this request I leave the matter confidently in your hands and remain.

Your most obdt, Svt.

(sgd) Adolph Schultz

United States Circuit-Court.

For the District of California

District of California ss.

I Gustus Adolphe Shultz do declare on oath that it is Bona fide my intention to become a citizen of the United States and to renounce forever all allegiance to any foreign Prince potentate state or sovereignty whatever and particularly to the Emperor of Burmah of the Dominions of whom I am now a subject.

Sworn in open Court this 22 day of April 1856

Geo. Pen. Johnston Clerk of the Circuit Court of the United States for the District of California.

Gustus Adolphe Shultz

I George Pen Johnston Clerk of the Circuit-Court of the United States for the District of ~~Columbia~~ California do certify that the forgoing is a true copy of the original oath of intention on file and remaining of record in my office.

In testimony whereof I have hereunto subscribed my name and affixed the seal of said court this Twenty second day of April in the year of our Lord one thousand eight hundred and fifty six and of the Independence of the United States the eighteenth

Geo Pen Johnston
Clerk of the Circuit Court of United States for District of California

Court-Seal.

B

Yokohama

February 15th 1862

Dear Sir

Mr Harris informs me that it is necessary he should have the paper showing evidence of your citizenship before he can act on your case submitted. Will you please send him the paper by bearer or bring it to the office yourself to day. Yours truly

E. Dickson

The above papers I delivered to him (Mr Brown) in his office this day at ½ past 12 o'clock

Yokohama 15th Feb. 1862.

Adolph Schultz

Copy C

United States Circuit Court

for District of California

District of California ss

I Justus Adolphe Shultz do declare on oath that I was born for the intention to become a citizen of the United States and to renounce forever all allegiance and fidelity to any foreign Prince, potentate, state or sovereignty whatsoever and particularly to the Queen of Prussia and the Kingdom of whom I am now a subject.

Sworn in open court this 22 day of April 1854. } Signed Justus Adolphe Shultz.

Geo Pen Johnston
Clerk of the Circuit Court
of the United States for the
District of California

I Geo Pen Johnston clerk of the Circuit Court of the United States for the District of Cal. do certify that the foregoing is a true copy of the original on file and remaining of record in my office

In testimony whereof I have hereunto set my hand and affixed the seal of the said court this twenty second day of our Lord one thousand eight hundred and fifty six and of the independence of the United States the eighty first

Signed
Geo Pen Johnston.
Clerk United States Circuit

Court of the United States
for District of California

Seal

Consulate of United States
Kanagawa Japan.

I E. E. Duncan United States Consul for
Kanagawa Japan do hereby certify the
forgoing to be a true and correct copy
of an original document this day exhibited
to me by J. Adolph Shultz and that said
document bore the true and genuine signature
of Jno Ca Johnston and is entitled to full
faith and credit.

In witness whereof I have
hereunto set my hand and
affixed the seal of this Consulate
this fifteenth day of February AD
Eighteen hundred and fifty two

E. E. Duncan
United States Consul.

D

U.S. Consular Seal

United States Consular Agency.

Hiogo Japan January 8th 1868

This will certify that Shuzo Shinjo Ken & Co having produced sufficient proof of having taken the oath prescribed by law has been registered at this office as a citizen of the United States

Given under my hand and the seal of this Consulate. the year and day first above mention.

U.S. Consular Seal.

Paul Frank
U.S. Consular Agent

(Copy) E

1893 Consulate of the United States of America

Osaca and Hiogo December 4th 1870

Sir

The following communication from the United States Legation Yokohama November 26th 1870 has been received in this office.

"Under instructions received by
"me from the State Department I deem it to be
"my duty to advise you that it is illegal to
"register firms or copartnerships registration should
"only be made of individual citizens entitled thereto

For compliance with the above instruction I have to inform you that the register of your firm dated January 1st 1868 ceases from this date.

I have the honor to be
Sir
Your most obedt St
D. Trant
U.S. Consul.

To
Messrs Schultz Reis & Co

E

Yokohama
Dec. 8th 1870

Sir

As the managing partner of the firm of Schultz Bro & co in Japan I beg respectfully to call the attention of your Excellency to a communication which has this morning reached me from the branch of our firm in Hiogo to the effect that the U.S. Vice Consul at that port Wm. D Frank Esq had informed our firm that under instructions from the U.S Legation in Jedo. the register of my firm in the U.S. Consulate at Hiogo dated January 31st 1868 ceased from the 5th inst.

That the registration of my firm in the U.S Consulate at Hiogo is so suddenly withdrawn is the more inexplicable to me as no notice to this effect has been given me here where my firm is likewise registered in the U.S. Consulate and has been so for over 10 years in virtue of a long continued stay in San Francisco of my partner

partner Adolph Schultz prior to his establishing himself here with me in 1860. I would respectfully request your Excellency to grant me such respite in the withdrawal of the registration in the U.S. Consulate of my firm both here and at Hiogo as would enable me first to communicate with my partner A Schultz at present in Europe and to lay before the same the reasons &c. - as far as I know them from the communication of the U.S. Navy Consul which have induced your Excellency to adopt these measures toward my firm

I have the honor to be

Your Excellency
most obdt Servant
Ad Lüe

To H.E.
C.E. De Long
Minister Resident
of the United States
&c &c &c

(Copy) "G"

Consulate of the United States of America

No 99 Osaca & Hiogo December 14th 1870

Sir

By instructions received from the Legation at Yokohama, I have the honor to inform you that the new regulations referring to Register of vessels Co-partnerships has no retrograde power.

The communication from this office No 93 is hereby withdrawn

I am,

Sir

Yours respectfully

Your obdt servant

J. Frank

Vice Consul

To Consul

Kobe

H

United States Consulate
Yokohama July 9th 1873

Toyo Jiuzaburo & Ichikawa Shii
Appe
vs.
Skully Eno Yeo
Defts.

Notice of Trial.

To the Defendants

Take notice that the above case is set down for trial at this Consulate on the 12 day of July 1873 at 10 o'clock A.M.

Geo A Bartlett
C.C. Clerk

D.D.

Having postponed till 15th July and Mr Shepard informed after adjournment of Court that he could not recognize my right unless I had my passport renewed.

On same day I received official letter No 22 sent then made affidavit under oath which was written above and afterwards signed by me On 15th Court met again about Ichikawa case and was again postponed till the 23rd July.

On 15th got my new passport from

from Delong. which Dr Shepard kept telling me he would consider the validity of my citizenship and inform me of his judgment.

(copy) "I"
228
No 228

United States Consulate
Kanagawa Japan.
July 12th 1873

A. Shultz Esq

Sir

I doubt having arisen in my mind regarding your right to my protection and my jurisdiction over you you are hereby summoned to appear at this Consulate at 2 o'clock P.M. of July 14th inst. then and there to answer such questions as I may deem proper to put to you touching your right or non right to the protection of the U.S.

I am Sir
Your obedient Servant
C. O. Shepard
Consul.

(Copy) "K"

No 285

United States Consulate
Hanayama Japan
July 21st 1872
at about
1/2 P M

Adolph Schultz.

It being clear to me from your own statements and testimony that you are not and never have been a citizen of the United States. I feel it my imperative duty to withdraw from you as I now do the protection of the United States. I regret to take this step and I have tried to see my duty in another direction but after mature deliberation I deem it the only proper course.

The different local authorities have been advised of my action

I am Sir
Your obdt. Svt.
C Oakford
Consul

Yokohama
Japan } 24th July 1875

C. C. Shepard Esq -
Consul

Sir

We acknowledge the receipt of
yours to days note. We learn from our
Mr. Adolph Shultz that you withdrew
from him under date of July 21st 1875
the protection of the U.S. Government
and requiring from this and the return of
official Documents forwarded to you
by your request - that you withdraw
and cancel the registration of our firm
now for over 12 years under American
register and jurisdiction.

We beg that you will officially
advise us of the position which our
firm and their interests confided to your
care occupies at present in the U.S.
Consulate.

We are sir
Your obedt. Servants
Shultz Bro & Co

(Copy)

"M"

No 243

United States Consulate
Kanagawa Japan.
July 25th 1873

Messrs Schultz Rio &c.

Gentlemen

In answer to your request for an official notification concerning the status of your firm in this Consulate I transmit a copy of my note to Mr. Schultz which will fully meet your desire.

Yours very truly
C A Shepard
Consul

Yokohama Japan 24th July 1872.

C. P. Shepard. Esq.
U.S. Consul.

Sir

In reply to your communication of yesterdays date we beg to state that the copy of your note dated the 2nd inst. to our Consul Schultz does not directly answer our question whether you consider our firm as a corporation under U.S. protection and jurisdiction.

Your note concerning Mr. Schultz solely and individually you have still left us in uncertainty with regard to the position of our firm in the U.S. Consulate of Yokohama at the present moment and the interest of the same now confided to your care.

Demanding imperatively a prompt and distinct answer we request you to state plainly whether you intend to withdraw the U.S. protection from our firm or not.

Soliciting in the case of withdrawal your reasons for such action.

We are Sir
Your obdt. servts

(Copy)

No 244

United States Consulate
Kanagawa Japan
July 24th 1868.

Messrs Schultz Rio &co

Gentlemen

Your letter of July 24th is received. To your question as to whether or not my protection is withdrawn from your firm I have to answer that it is.

You also ask my reasons for such withdrawal. They are that Mr. Schultz is known never to have been a citizen of the United States, hence has not and never had a right to its protection.

Yours very truly

C A Shepard

Consul

No 181

U.S. Legation
Yokohama
July 27th 1875

Sir

Acknowledging the receipt of your note dated the 24th inst complaining of the action of C.O. Shepard and having withdrawn from you the protection of the United States and asking relief at my hands I beg to state that a careful examination of the following instructions which I have received at various times & shapes my mind that I am powerless to render you any assistance. The language of any of my instructions is very plain and strict. Speaking of the subject it directs "that American protection shall not be "extended to any person whomsoever not "actually a citizen of the United States by "birth or complete naturalization &c"

This rule by your own admission would exclude you and also your House of Shultz Bro & Co. I am equally at a loss with yourself to understand why the Consul should so suddenly have raised the question or why he repeated those

proofs of your citizenship which seemingly satisfied him previously and caused him to register you and afford protection to you for a long time. Still how can I understand why he directed you to obtain a new passport - as necessary evidence and then rejected the evidence he had directed you to obtain. I also agree that it must be most painful and annoying to you to find yourself and your house thus bereft of protection at a moments notice when you have so much business of a very important nature pending both in the Department of State and also in this Legation. I have spoken with the German Minister Baron Von Brandt who has stated his willingness to receive you and your house under his protection & will do all in my power to aid him to obtain a complete understanding of the unfinished business you have with me and I will also assist him in obtaining similar

This change of protection will require

information from me

cause

cause you some delay and annoyance but with his excellent disposition to aid you and my active co operation in giving him all necessary information I trust you may be saved from much of the trouble you anticipate. The passport which I granted to you I will thank you to return for cancellation. I granted it as you are aware on the evidence of common reputation which you have always held since I have been in Japan of being an American Citizen on the fact of your registry in Mr Shepards Consulate at once and upon the production of a passport formerly granted to you by my predecessor Gen. Van Valkenburgh

Regretting exceedingly that I am powerless to do aught else to aid you.

I remain
Your most obedt Servt
C E Pickering

Adolph Schultz
Yokohama
Japan

Copy

Yokohama
Japan } 30th July 1873

Sir

I have received your communication of 29th instant and in taking note of your having arrived at the same conclusions as the U.S. Consul Mr C.E. Shepard in respect to his withdrawing the protection of the U.S. Government from me and my firm Schultz Ries &c. I at the same time cannot but acknowledge the friendly spirit in which your communication is written. In consequence of your decision I have placed myself and my firm under protection of the German Government. I thank you and feel very much obliged to you for your kind offer of assisting the German authorities both at your Legation and at the U.S. Consulate by giving them such information which they

require to settle the important business of the firm which was referred to you and Mr Shepard speedily and satisfactorily.

In accordance with your request I applied to Mr Shepard for return of the passports in answer to which I received the enclosed note from Mr Shepard.

I will thank you to return me the papers I sent you for perusal marked A to O. and remain

Sir

With respect & consideration Your most obedient servant

Rudolph Schultz

U S Legation Paris

C E Cushing

Minister

No 4155

Dated July 31 1855

Rec'd Aug 15

Transmits Mr Shepard's instructions & the papers referred to by the former for perusal

Urges the Return of Mr Schultz's Passport

Has unofficially cautioned Mr Schultz not to return to Europe

Incloses a note from Mr Schultz and papers



Ack'd Sept. Mr Berdan

Mr Legation Yokohama

Japan August 4th 1873

No 456

Jno

E. L. Swing

Min. Resident

Contents.

Forwarding copy of Letter of thanks addressed to me by H. N. Mc. Acting Consul General for Japan, on behalf of Dutch officers and residents

No 456 Legation Japan

August 4th 1873

Sir

I have the honor to forward for your information a copy of a note received by me from Hon W. M. Coleny Consul General for Japan returning thanks on behalf of Dutch officials and residents for my services on their behalf whilst acting as the Dutch Representative in this Empire.

I have the honor to remain

Sir

Your most obdt Servt

G. De Long

Hon Hamilton Fish

Secretary of State

Washington DC

Copy

No 53

Yokohama
July. 8th 1873

Sir

I have been informed by Mr. Von Mackenzie the new appointed Prussian Resident for the Netherlands in Japan that he will be received to morrow by His Majesty the Tenno in order to present his credentials, after which ceremony it must be considered that Mr Von Mackenzie has duly taken charge of H. N. M. Legation

From this it would result that after said date the official relations which I have had the honor and the pleasure to entertain

with you as diplomatic
representative of H. M. Majesty
during the last ten months
are to be closed and before
this being the case I wish
to express to you my most
sincere thanks for all the
valuable assistance & ad-
vice you may trouble you
always so willingly took
for Dutch interests in
Japan, in my own and
in that of all Dutch
Consular officers and
H M subjects residing
in this Empire (who have
applied in vain for Your
excellencys advice and good
offices) & may state that
all of us appreciate exceed-

Your

your faithfulness and ability
in conducting our affairs and
hope that also in future days
we may see your kind
feelings continue towards us.

A couple of highly interesting
business matters occurred during
the time you were in charge
of H. B. M. Legation and as
their settlement requires many
investigations, they not yet
having been closed, and being
so well known to Your Excellency
I take the liberty to draw your
attention kindly requesting a
continuation of your co-operation.

With respect and consideration
I have the honor to be
Sir
Your most obed.t
Sir
Pio Candioni
H. M. B.c acting Consul
General

No 456

Dated August 24 1873

One Enclosure

Letter of thanks from
the acting Dutch
Consul General

DEPARTMENT OF STATE
RECEIVED
SEP
4
1873

Ans 5 Sept

Mr Bergan

Legation Japan

August 4th 1873

No 457

From

C E De Long

Minister

Contents.

Forwarding copy of letter of thanks addressed by the Provincial Ministers under instructions from Government.

No 457 Legation August 4th 1873

Sir

I have the honor to enclose herewith copy of a Letter of thanks received by me on the 29th of July last from Señor Don Luis Garcia y Garcia Peruvian Minister in Japan with the address the same under instructions from the Govt. of Peru.

I have the honor to remain

Sir

Your most obedient Servant

C Edo Seys

Hon Hamilton Fish

Secretary of State

Washington DC

Copy

Legation del Peru

Yedo 28th of July 1873

Excellency

It is with particular pleasure that I have the honor to comply with the instructions received from my Govt and express to Your Excellency their profound sense of gratitude for your services during the time Your Excellency was in charge of Peruvian interests in the Empire of Japan and for the assistance which on my arrival Your Excellency has rendered to the Mission intrusted to me For all these good offices and civilities my Government feels under deep obligations and sincerely acknowledges the friendly action not only of the Minister of the United States but also of the honorable courteous and perfect gentleman in So fulfilling this agreeable task

permit me once more to repeat to your Excellency my own grateful sentiments and the assurance of my very distinguished consideration especial regard and friendship.

Aurelio Garcia y Garcia

No 95.

Central Cuba Aug 11, 1873

Mr Secretary

Hamilton Fish

Department of State



Ack. 6 Sept. A.L.

Mr Burlingame

Legation of Yokohama

Japan Aug 4th 1873.

No 458

From

C. E. De Long

Minister

Contents.

Return of the Embassy from China

Reported results. Political prospects

of Japan &c

No 458 Legation Japan

August 4th 1873

Sir.

I have the honor to inform you of the return of the Japanese Embassy from China — Unofficially I learn that Mr Soyeshima obtained the first audience with the Emperor of China and thereby has clothed himself with great honors in Oriental Countries. I also learn from unofficial sources that China has disclaimed any jurisdiction over Eastern Formosa and Corea leaving Japan free to deal with the barbarous inhabitants of each of those countries. I believe that it is also true that China has in effect waived all claim of jurisdiction over the

Hon Hamilton Fish Sec

Secretary of State

Washington DC

Lew Chew Islands; thus tacitly assenting to the act of incorporating them into this Empire. I believe it to be the intention of this Government to soon proceed to the conquest of Eastern Formosa and Corea; and confidently anticipate seeing both of those countries under the flag of Japan within short months; with ports opened to the commerce of the world.

Should this take place, it will be observed by you that this Empire will then hold the keys to the Pacific over the northern portion of Continental Asia and under her alliance, a matter of great moment, should complications arise between Russia and England.

I have the honor to be

Sir

Your most obedient Servant

C. E. DeLong

Dft - per Act 5 Sept

Legation Japan Mr Berdan

DEPARTMENT OF STATE
RECEIVED
SEP
4
1873

August 4 1873

No 459

Sir

C C DeLong

Minister

Contents.

About U.S. Naval Depot in Japan.

Moving the Idaho at Yokosuka and

entering the Monocacy in the Dry

Dock.

No 459 Legation Yokohama

Japan August 4th 1873

Sir.

I have the honor to inform you that by request of Rear Admiral Thornton S Jenkins, I have applied to this Government for permission to move the USS Idaho at Yokosuka Harbor and to enter the USS Ashuelot in the Dry Dock at the same place which permission has been granted and the Idaho is now at anchor there and the USS Monocacy is also there ready to enter the dock in lieu of the Ashuelot.

On yesterday I received a dispatch from the Admiral requesting some assistance at my hands in relation to the

Hon Hamilton Fish Establishment

Secretary of State

Washington DC

Establishment of a naval depot at

1/4 5-9 Nagasaki (Enclosure No 1)

To this I replied under this date

2/4 5-9 (Enclosure No 2)

I have the honor to remain

Sir

Your Most obedient Servant

C E De Long

U.S.S. Hartford
Flag Ship on Asiatic
Station.

Sir

I am directed by the Hon Secretary of the Navy to dispose of the Store Ship "Idaho" now at Yokohama on account of her rotten condition and to remove her stores to Yokosuka on shore The place most suitable for the location of the Storehouse in my judgment and in that of my predecessors for many years, is Nagasaki in which port it was the original intention which was changed only by unavoidable circumstances that the Store Ship "Idaho" should remain when sent out to this Station. The Hon Secretary has instructed the Western side of Nagasaki harbor opposite the Dairugi Settlement as the most desirable location for the Stores as they will not be exposed to fire from other neighboring buildings

the U. S. Government does not desire
_____ to acquire the right in
its own name to land but will
be satisfied if it can obtain it at
a stipulated rent from private parties
It is hoped that such private parties
responsible in all respects (such as Messrs
Wahl Hall & for instance) may be found
willing to lease the land and to erect
thereon the necessary buildings and
to lease them to the U S Government.
To do this it will of course be requisite
that the right to occupy the land for
the purpose indicated be attained by
such private party from the Japanese
Government and should I find a
responsible party who will undertake
the matter, I wish to request your
good offices in obtaining from the
Government for such person or firm
the right to occupy the land to erect
buildings thereon and to rent it to
the United States Government.
Paymaster Judd who goes to Yokohama
by the mail Steamer and to whom

have given a note of introduction to you will explain in detail my wishes.

It is desirable that the decision of the Japanese Government be obtained at as early a date as possible for should I fail to find the proper party willing to undertake what I desire, I shall accept an offer already made of buildings in the Foreign Settlement although they do not in all respects answer the Naval requirements.

I have the honor to be
Very Respectfully
Your obdt Servant
Thornton A Jenkins
Rear Admiral
Com'dg U.S. Naval Force
on the Asiatic Station

No 183

U.S. Legation Japan
August 4th 1873

To
Rear Admiral
Thornton S Jenkins
Commanding U.S. Naval Force
on Asiatic Station

Sir

I have the honor to acknowledge the receipt of your communication of date the 27th of July last relative to obtaining a site for a Naval Depot at Nagasaki and the landing of stores free of duty.

I have also conferred fully with Paymaster Guild U.S.N. through whose politeness I secured your favor. To land stores free of duty there must be no prior application made to these authorities. Paragraph 2 of article XIV of the Treaty between the United States and Japan gives this privilege as fully as it could be desired

As to obtaining lands outside of the Foreign Concession to be granted to private parties and by them leased to our Govt this I consider impracticable at present as it would require an amendment of the

the convention fixing the boundaries
of the Concession to reach such a result
I will however try and see if I can
obtain a special privilege of this nature
but I would not recommend you to
delay action in anticipation of favorable
results. The only mode I think of by
which this end might possibly be
reached would be with the consent
of this Government to lease desirable
land and buildings at the [illegible]
desired; from some Japanese subject.
This I think might be arranged.

I trust you will pardon me for
going beyond the scope of an answer
to your dispatch in mentioning
that the United States Government
has here in Yokohama two lots of
land Nos 111 & 112 very slightly situated
which were granted to our Government
for naval Depot purposes.

The lease provides that these premises
if sub let or if not used for the
purpose granted shall revert to
the Japanese Govt. The premises
are very valuable said to be worth

Twenty Thousand Dollars in their present unimproved state.

They are occupied by the P. S. & P. Co. in what I consider to be a plain violation of the lease by which we hold them. If this Depot is established in Nagasaki and now established here I suppose the Japanese will claim the forfeiture and in good faith we should surrender the premises

There is enough land I am advised to span one lot and use the remainder

I believe it to be easy to obtain the consent of these authorities to allow the Navy Department to sell one and use the funds obtained in improving the other and in this way a splendid depot could be obtained without any direct outlay of money and to maintain it would cost only the annual ground rent, which would be less than two hundred Dollars per annum

The canal passing them to the sea is nearly three miles and deep as to admit the passage of the heaviest laden steam

barque and in every respect this land is suitable for this purpose.

Under these circumstances it remains for you to determine whether or not it is your privilege and your pleasure to delay making any permanent arrangement about this business before submitting this matter to the Hon Secretary.

I have the honor to remain

Your most obt. Svt.

C. E. Cadwalader

No 455.

Dated Augst 4th 1873

Encloses

Naval Depot Bermuda

DEPARTMENT OF STATE
RECEIVED
SEP
4
1873

file ::: Mr O'Connor

Legation Yokohama

Japan ~~July~~ August 4th 1873

No 460

Sir

I have the honor to enclose herewith a copy of a letter dated Aug 13 and received Aug 30 from Mr Shepard

I have the honor to be Sir Your obedient servant

C C De Long

US Minister

Contents.

Letter relative to Mr Shepard's misconduct of postal affairs. - Affidavit of Mr Sousa. Copy of my telegram forwarded to you. - Mr Shepard's admission to Rev J P Newman

No 460 Legation of Yokohama

Japan August 4th 1873

Sir.

Herewith I have the honor to enclose for your information copy of an affidavit filed with me by one Sousa, a former Postal Clerk of Mr Shepard's substantiating the charges preferred by Mr Edwards relative to the commission by Mr C O Shepard of a felony in removing and selling postage stamps (Enclosure No 1) 460

By this last affidavit you will observe that Vice Consul Mitchell is implicated Indeed there is not a doubt in my mind that this same business has been constantly carried on under instructions by all of the employes of that office excluding the U S Marshal Mr Dunning who is absent

Hon Hamilton Fish

Secretary of State

Washington D C

violation of law has been consciously receiving
a salary as postal Clerk as has also Mr
Mitchell then they as well as Mr Shepard
have all been receiving additional salaries
from the Govmnt to those they receive
under their various original appointments.

Mr J P Norman informs me that
Mr Shepard when asked by him about this
business admitted that some stamps had
of late been removed from letters by him and
sold for the benefit of the govmnt, and
that he had addressed the Post Master General
a note under date of April 5th 1872 advising
him that he had so done and asking if he
should continue the practice. This was
unquestionably written by Mr Shepard in
anticipation of an investigation being set on
foot by me, and intended to forestall and
disarm by a pretended ignorance of the law.

M-

It however seems to obviate the necessity of any other testimony to establish his guilt, as it amounts to a confession of what the law pronounces to be a Felony. (See Sec 51. Page 164. Vol 2. Brightlys Digest-Laws of 1857. and 1869.

When informed by Doctor Newman that Mr Shepard had written such a despatch I at once sent you a telegram asking for instructions. (Enclosure No 2) 27/460

To this I have not as yet received any reply.

I have the honor to remain

Sir

your most obedient Servant

C E De Long

U S Legation Japan
July 22nd 1873

A. D'Souza upon being first duly sworn deposes and says that he is a Portugese subject aged over twenty four years that he is a resident of Yokohama Japan where he has been engaged in both Brutish and American Post-offices as Postal Clerk.

That in the month of February AD 1872 he was employed by C.A. Shepard Esq. U.S. Consul as postal Clerk in the U.S Post-office at Kanagawa Japan and continued in such service for eight months from that date for which he received the sum of Forty Dollars per month for the first two months and the sum of Fifty five dollars per month for the remaining six months.

That during his said term of office he this deponent, also Wm. J. A. Mitchell and others connected with the office frequently removed Stamps from letters which were over paid and placed

thereon stamps of like value sufficient
to clear the letters properly paid.

That all such postage stamps thus
removed were placed in the common
drawer with other Government stamps
for sale and sold and the proceeds
accounted for to Mr Shepard with
the money received for other stamps

(Sgd) A B Sauzea

Signed and sworn
to before me this day and
date above written.

Legation Seal

L C Reading
Minister

Dec/7

Telegram

United States Legation
Yokohama July 1873

Secretary of State
Washington D.C.

Affidavits having been
filed with me charging Consul
Shepard with felonies in connection
with the Post office & requesting
instructions. The Vice Consul
Mitchell is also implicated

C. E. Delong
Minister.

6 Eckel Long. Minnesota

No 460

Dated August 4th 1873

Two Enclosures

Certificate proof against
C B Shepard.

Attended to 6 Aug

Telegram



U. S. Legation Japan

N. R. Japan July 18/73

Secretary of State

Washington D.C.

Affidavits having been filed with me charging Consul Shepard with felonies in connection with the Post-office, I request instructions. The Vice Consul, Mitchell, is also implicated

C. E. De Long

Minister

Nagasaki

45 words

Received at 4.10 pm

File Legation-Japan

Cadiz Ohio



5th August 1873

Hon: Hamilton Fish

Secretary of State,

Sir: I expect to leave in ten or twelve days for San Francisco and to sail thence for Japan on the 1st day of Sept. next. I found it impossible to sail on the 15th inst, as I desired. I am very desirous to know who will be the Secretary of Legation & to know him & so write me.

I should have been well

satisfied with Dr Salter but for the objections a record of which you made mentions.

Having withdrawn the name of Hugh Todd Bingham in my letter of July 11 to you, there remains of the persons recommended by me, only D. H. Stevens of Washington City. I am assured that Mr Stevens would make a good Secretary and would be glad to have his services. Should you make the appointment of a Secretary before I leave I will be greatly obliged to be advised, that

2

any communications with
him.

With great respect
Your obedient servant
Wm. A. Buckingham

C. E. Adams
Minister

No 2453

Dated July 31st

Forwarding Court rules
and Regulations

DEPARTMENT OF STATE
RECEIVED
AUG 12 1873

Adm: Benjamin Legation - Japan
Aug 13.
Cadiz Ohio
Ack 13 Aug August 8th 1873.

Hon: Hamilton Fish
Secretary of State,

Sir: I have the honor to acknowledge the receipt of your letter of the 6th inst. enclosing copy of dispatch No 209 to Mr DeLong.

I made every effort to have for San Francisco in time to reach that place and sail thence for Japan on the 16th instant. You may recollect that when in Washington I named the middle of August as the earliest day I would be able to sail, and that you intimated that the time named be satisfactory.

Early in July, I communicated with the Hon: McCook late United States Senator in reference to the ship for 16th August and perhaps thereon, and was advised by him by telegram that the ship for 16th August was a poor ship.

and by letter of date 21st July he advised me that events and perhaps had been engaged for me on the ship Japan, which sails Sept fourteen 14th.

I have accordingly made my arrangements to leave with my family on the 18th instant, direct for San Francisco, and hope to sail from there for Japan on the first steamer. It cannot now be impossible for me to reach San Francisco in time for the sailing of the 18th instant. I trust the time indicated for my departure will be satisfactory.

I presume that the United States Statutes at large are now in the possession of the Legation in Japan, especially the volumes referred to in your Dispatch No 209.

Thanking you for the appointment of Mr Stevens as Secretary, of which I am advised by your telegram of yesterday,

I am very truly, your obedient Servant,

Wm A Burlingame.

File Legation to Japan.

DEPARTMENT OF STATE RECEIVED AUG 12 1873

Washington, D.C.
August 12. 1873.

Hon. Hamilton Fish,
Secretary of State,
Sir:

I have the honor to acknowledge the receipt of your communication of the 8th instant, informing me of my appointment by the President to be Secretary of Legation at Yokohama, Japan, and, in reply, to signify to you my acceptance of the same.

Referring to your inquiry on the subject, I would state that I was born in Washington D.C.

Enclosed please find executed the oath of office forwarded

Very

in your communication.

I have the honor to be, Sir

Very respectfully,

Your obedient servant

D. H. Stevens.

Bill sent to Hon Sec'y

Mr Bowman's dis. from
Legation Japan
August 20th 1873 (Copied
No 461 Acknd 20 Sept
Inclosure
Mr Bowman's claim
August 30. 1873
C E De Long
Minister





Contents.

By request of Generals and the Japanese Authorities I have sold the Barque "Maria Luz"

No 461 Mr Legation Japan

August 20 1873

Sir

I have the honor to inform you that on the 15th of July last I received a Note from the Japanese Acting Minister for Foreign Affairs and the Minister for Peru in Japan requesting me to sell the Barque "Maria Luz"

(Enclosure No 1) 1/461

To this I replied on the following day consenting to discharge the duty they had requested me to perform

(Enclosure No 2) 2/461

On the 21st of the same month I addressed those gentlemen another Note (Enclosure No 3) forwarding copy of a published Notice of Sale, 3/461

Hon Hamilton Fish and

Secretary of State

Washington DC

4/461 Barque (Enclosure No 4) also
Copy of Inventory of personal property
on board of the vessel to be sold with the
5/461 Vessel (Enclosure No 5)

On the 22nd of July I received a
Note from the Peruvian Minister
6/461 in reply (Enclosure No 6)

On the 6th inst I again addressed
a note in duplicate to the two Ministers
informing them of the sale of the Barque
7/461 the price obtained &c (Enclosure No 7)
Enclosing copy of the Auctioneers
8/461 Account of Sales. (Enclosure No 8)

Copy of Account of Messrs Walsh
Hall & Co for keeping the vessel
9/461 (Enclosure No 9) And also copy
of Draft of Bill of Sale that I
was requested that I should sign
10/461 (Enclosure No 10) On

the

the 8th inst I received a reply from the Peruvian Minister approving of the accounts and requesting me to conclude the business by executing the Bill of Sale; thanking me for my services &c. (Enclosure No 11) 11/461

On the 9th inst I received a note of similar import from the Japanese Minister (Enclosure No 12) 12/461

On the 11th inst I settled with the Auctioneer and obtained his receipt (Enclosure No 13) 13/461

Also with Messrs Isaiah Hall & Co & obtained their receipt (Enclosure No 14) 14/461

Also on the same day I deposited the residue in Bank for the benefit of the Creditors of the "Maria Luz" as per Certificate (Enclosure No 15) 15/461

On the 12th inst I f again

addressed

addressed the Japanese and
Peruvian Ministers advising
them of my proceedings: forwarding
copies of receipts &c. (Enclosure
No 16) — On the 15th inst I received
16/ 461 a reply from the Peruvian Minister
acknowledging receipt of my note
and approving of my proceedings
17/ (Enclosure No 17)
461 The Reply of the Japanese Minister
has not yet been received

In accepting this trust I was
actuated solely by a desire to relieve
these officials of a subject they could
neither handle consistently without
the aid of a mutual friend, and in
discharging this trust I was extremely
cautious to do nothing not first
made known to and sanctioned by

them

them; and I also guard all of my acts that no pecuniary or political responsibility could in any event attach to the government of the United States. and I sincerely trust that what I have done may meet with your kind approval

I have the honor to remain

Sir

Your most obedient Servant

C E De Long

P.S. Since writing the foregoing I have received the expected

List of Enclosures

No 1. Joint note requesting me to sell the Barque

No 2 Reply thereto.

No 3 Note in duplicate by De Long & Penrain to Japanese Minister forwarding copy of Notice of Sale &c

No

Note from the Japanese Minister (Enclosure No 15) from Mate-Sent Collins to Long

No 4 — Notice of Sale

No 5 — Inventory

No 6 — Note from Peruvian Minister in reply

No 7 Dr Long to Peruvian & Japanese Ministers advising of Sale of Bayonets obtained; Bill of Sale requested &c

No 8 — Copy Auctioneers Act of Sale

No 9 Do of Walsh Hall & Co Act

No 10. Do Draft Bill of Sale

No 11 Reply of Peruvian Minister

No 12. Do of Japanese Minister

No 13. Auctioneers Receipt.

No 14. Receipt of Walsh Hall & Co.

No 15. Bank Certificate

No 16 Dr Long to Japanese and Peruvian Ministers forwarding Copies of receipts

No 17. Reply of Peruvian Minister

No 18 Do of Japanese Minister

Copy

Rec'd July 13th

Yedo July 14th 1858

Excellency.

We have the honor to bring to your Excellencys notice the following extract from the Protocol of the agreement made on the 28th June 1858 by the undersigned in representation of Peru and Japan for submission to His Majesty the Emperor of all the Russias of the difference between the two Governments growing out of the case of the "Maria Luz"

Whereas the barque "Maria Luz" abandoned by her Captain was lying in the bay of Yokohama in charge of a Guardian placed on board of her by the then representative of Peru in Japan the Hon C. Ca. de Long. Minister of the United States and with the consent of the Japanese Government: and whereas that Guardian ship has been and is now the cause of daily expense the undersigned

equally desirous to bring to an end this state of things have agreed that the ship shall be sold at public Auction for the benefit of all parties interested in the vessel. Both Governments declining to receive the proceeds of the sale such proceeds after paying the expenses of keeping the ship since her abandonment are to be deposited in the Bank of Yokohama to await such disposition as may be ordered by a competent Court or by the Arbitrator.

We beg in consequence to say that it will be agreeable to the undersigned of Your Excellency who with the consent of the Japanese Govt took charge of the ship in October 1872 acting for Germany instructs will trouble yourself in case of the conclusion of the Barque not having been modified since and do us the service to take measures for selling the "Maria Lux" at such time and in such manner

in conformity with the Protocol as in
your judgment will be likely to
obtain the best price and will dispose
of the proceeds less expenses of sale
according to the terms of the above
agreements – it being understood that
this action on your part shall in
no case be a cause of any responsibility
to the Government or to yourself.

We have the honor to assure Your
Excellency of our highest and most
distinguished consideration

(Signature of minister for U.S. in Japanese)

Aurelio Ga y. Garcia.
E.E. and Minister Plen of Peru in Japan

(In Duplicate) 2

No 35

U S Legation
Yokohama July 16th
1878

To His Excellency

Ogyu Kagenori
acting Minister for F. A.
of H. I Japanese Majesty and
Aurelio Da y Garcia
E. E & M. P. of Peru in Japan.

Sir

The Undersigned acknowledging the receipt of your communication addressed to him of date the 14th inst with reference to the disposition of the Barque "Maria Luz" begs leave in reply to state that as a matter of accommodation he will forthwith comply with the request you make. The undersigned begs leave to assure Your Excellency of his high and most distinguished consideration,

C E Delong
E E & M. P. of USA
in Japan

(In Duplicate)

3

Copy
To S.C.

U.S. Legation July
20th 1873

His Excellency
Ozimo Kaguori
Acting Minister for F.A. and
Aurelio Fte y Garcia
C.C. & Ch. M. D. of Gen. in Japan

Gentlemen

I have the honor to enclose
for your information copy of published
notice of Sale of Barque "Maria Luz"
with her cargo also copy of Inventory
of personal property on board of the
vessel which will be sold with
her.

I have the honor to remain
Sirs
Yours most obedient Servt.
C. E. De Long.

The Japan Daily Herald.

NOTIFICATION.

THE undersigned has received from Their Excellencies the Acting Minister for Foreign Affairs of Japan and the Envoy Extraordinary and Minister Plenipotentiary of Peru in Japan, the following joint official note, to wit:

To His Excellency C. E. De Long,
Envoy Extraordinary and Minister Plenipotentiary of the United States in Japan.

Yedo, July 14th, 1873.

Excellency:

We have the honor to bring to your Excellency's notice the following extracts from the protocol of the agreement, made on the 25th of June, 1873, by the Undersigned in representation of Japan and Peru for the submission to His Majesty the Emperor of all the Russias of the difference between the two Governments growing out of the *Maria Luz* case.

Whereas the barque *Maria Luz*, abandoned by her Captain, now lies in the bay of Yokohama, in charge of a guardian placed on board of her by the then Representative of Peru in Japan, the Hon. C. E. De Long, Minister of the United States, and with the consent of the Japanese Government; and whereas that guardianship has been and is now the cause of daily expense, the Undersigned, equally desirous to bring to an end this state of things, have agreed that the ship shall be sold in Public Auction, for the benefits of all parties interested in the vessel.

"Both Governments declining to receive the proceeds of the Sale, such proceeds, after the payment of the expense of keeping the ship since her abandonment, are to be deposited in a bank of Yokohama, to await such disposition as may be ordered by a competent Court, or by the Arbitrator."

We beg in consequence to say, that it will be agreeable to the undersigned, if Your Excellency, who, with the consent of the Japanese Government took charge of the ship in October, 1872, acting for Peruvian interests,—will trouble yourself, in view of the condition of the barque not having been modified since, and do us the service to take measures for selling the *Maria Luz* at such time and in such manner, in conformity with the Protocol, as in your judgment will be likely to obtain the best price, and will dispose of the proceeds, less expenses of sale, according to the terms of the above agreement; —it being understood that this action on your part shall in no case be a cause of any responsibility to the Government of the United States, or to yourself.

We have the honour to assure Your Excellency of our highest and most distinguished consideration.

GAIMUSHO-YU, UYENO.
AURELIO Ga Y GARCIA,
Envoy Extraordinary and Minister Plenipotentiary of Peru in Japan."

The undersigned has, in pursuance of such request, given directions to Messrs. C. A. Fletcher & Co., to Sell the Barque *Maria Luz*, with all her appurtenances, cargo, etc., by Public Auction, in the Bay of Yokohama, on the 1st day of August, at 10 o'clock a.m.

C. E. De LONG,
Envoy Extraordinary and Minister Plenipotentiary of the United States in Japan.

Yokohama, July 16, 1873. t.d.

INVENTORY OF "MARIA LUZ."

Ground Tackle.

1 Bower Anchor
1 do. do.
1 Stream do.
1 Bower Chain 105 fathoms
1 do. do. do.
1 Kedge Anchor

Compasses, &c.

2 Brass Compasses
1 Tell-tale do.
1 Brass Binacle
2 do. do. Lantern
1 Telescope
2 28-second Glasses
1 14- do. do.
4 Side Lanterns
8 Tin do.
1 Barometer

Cordage.

1 Hawser
1 Coil 3½ inch Manila Rope (new)
1 „ do. do.
1 „ 2½ do. do.
1 Bundle Hemp Twine
5 Pieces Rattling Stuff
1 Lot Spun Yarn

Sails.

2 Royals (new)
1 Main Top Gallant Stay Sail
1 Flying Jib
1 Main Top Gallant Sail
1 Main Sail
1 Fore Top Gallant Sail
1 Fore Sail
1 Jib
1 Mizen Stay Sail
1 do. Top-mast Stay Sail
2 Deck Awnings
1 New Sail
1 Top mast Stun Sail (new)
1 Lower do. do.
1 do. Fore Top-sail
1 do. Main do.
1 Upper do. do.
1 do. Fore Top-sail
1 Fore Top-mast Stay Sail
1 Main do. do.
1 Mizen Gaff Top-sail
1 Spanker
1 Wind Sail
11 Old Sundry Sails

Colors and Signals.

Sundry Signals

Cabin Furniture.

1 Sofa
1 Dining Table
1 Kerosine Lamp
7 Rifles and Bayonets
6 Chairs
1 Looking Glass
1 Medicine Chest
2 Mattresses

Pantry.

1 Cruet Stand
1 Sugar Bowl
8 Meat Dishes
21 Soup Plates
21 Dinner Plates
18 Breakfast Plates
33 Wine Glasses
1 Decanter
1 Gravy Dish
1 do. Bowl
1 Milk Jug
1 Jug
3 Tumblers
1 Cup
2 Saucers
5 Knives and 5 Forks
1 Coffee Pot
1 Tea „
6 Tea Spoons
2 Table Spoons
2 „ Cloths
1 Butter Dish
2 Fruit „
2 Salt Cellars

Galley.

1 Cooking Range
1 Ladle
2 Large Forks
1 Coffee Mill
1 Tureen
6 Sauce Pans
2 Frying do.
1 Baking do.
1 Pair Scales
7 Wood Choppers

Deck.

1 Steering Wheel
2 Life Buoys
4 Iron Water Tanks
2 Harness Casks
1 Capstan
5 Gratings over Hatches
1 Wooden Winch
1 Deck Pump and Hose
6 „ Buckets
3 Hatch Awnings

Chinese Galley.

1 Lot Cooking Utensils
1 Lot Dippers
100 Tin Pans
230 Tin Cups

Extra.

Several Spare Blocks
1 Short Piece Deep Sea Line.
2½ bolts Canvas, new
4 Sheets Yellow Metal
27 pairs Shackles
2 Top-gallant Masts
2 Royal „
1 Spar
1 pair Rigging Screws
3 Stone Tea-pots

Boats.

1 Life Boat
1 Brass Yoke
1 Long Boat

Stores.

About 200 sacks Rice
2 boxes Soda
About 6 barrels Bread
3 boxes Sago
1 „ Vermecelli
50 „ Fish
Part of barrel Vinegar
1 do do Lime Juice
1 do do Bean Oil
2 barrels Liquid
6 baskets Sugar
23 boxes Tea
10 doz. China Hats
36 barrels Salt Meat
47 sacks Beans and Peas
7 boxes Tobacco and Cigars
7 baskets Lime
147 Baskets
4 Buckets
6 Tubs
About 7 tubs Ducks Eggs
80 Water Casks
5 Ship's Scrapers
2 pairs Tongs
Stone Ballast
9 Ladders and Steps
8 Pad Locks
1 Log Line and Reels
2 Normans
1 lot Chinese Clothes
1 Harpoon
1 Copper Fresh Water Pump
A complete Set of Running Gear For

PERUVIAN BARK

MARIA LUZ.

TO BE SOLD BY

PUBLIC AUCTION

On the 1st of August,

BY ORDER OF

C. E. De LONG, Esq.

—:o:—

Material Oak.

COPPER FASTENED.

Carrying Capacity* 500 *Tons.

Coppered in 1872.

C. A. FLETCHER & Co,

Auctioneers.

Printed at the "Japan Gazette" office, Yokohama.

Recd July 22 6

Legation del Perú

No 6

Yedo July 22nd 1873

Excellency

I have the honor to acknowledge receipt of H. E. note no 36 dated 20th inst addressed in duplicate to the Gaimusho and to this Legation in which you enclose copies of published notices of sale and of Quarantaine of the Barque Maria Luz. Giving you my sincere thanks for your note and its enclosures I beg your Excellency to accept the renewed expressions of my high consideration and regard.

Aurelio F. y Garcia

To H. E.
C. E de Long
&c &c &c Ct &c
in Japan

(In Duplicate) 1

No 60. U.S. Legation Japan
August 4th 1873

Their Excellencies
Sayeshima Tanomi and
Ryuno Kagenori K.S.J. Mo
Ministers for Foreign affairs and
His Excellency
Aurelio Garcia y Garcia
Minister for Peru in Japan

The undersigned has the honor to advise you that on the 1st inst- the Barque Maria Luz" was sold at auction. The auctioneer C.A. Fletcher Esq. Yesterday morning returned to the undersigned an account of Sale (Enclosure no 1)

The undersigned also received Yesterday morning an account- stated from messrs Walsh Hall & Co coming the expense of keeping the Barque from the date when the undersigned took her into his possession until this date (Enc no 2)

The

The undersigned also forwards a copy of a draft of a Bill of Sale of the Barque Ariel - the purchaser requires the undersigned to sign when making delivery of the vessel.

3 (Enclosure No 3). The undersigned makes proffer of the documents to Your Excellencie for your information and consideration requesting your Excellencie in reply to advise him if he shall accept the money from Capt. Ethelbert as per his account of sale, & pay unto Wakefield & Co the amount of their account rendered by them, sign the Bill of Sale deliver the Barque to the purchaser and deposit the nett of the money in Bank for the benefit of Creditors of the Vessel An early answer will oblige the undersigned who begs to subscribe himself

Your most obedt Hble Servt
Edwd Deblois

account Sales of Barque "Maria Luz" Sold by order
Hrs Excellency C. E. Delong at Public Auction
the Undersigned on account of the Concerned

The Bark "Maria Luz" with Sundries			$ 7250	00
Charges				
Advertising in Japan Herald Gazette & Nishmi Shimbishi Newspapers	60	00		
Surveyors 100	10	00		
Boat and Coolie Hire & provisions	4	00		
Commission	212	50		
Net proceeds secured by H.K.&S. Bank payable 11th Aug. 1873			$ 6938	50

E & OE.

Yokohama 2nd Aug. 1873

C. A. Fletcher & Co
Auctioneers

By order of His Excellency

The Eurasian Bank Aberia Ltd in account

				18
12	To cash paid Mr. Delaunay order for Lahtara Track	638	00	Mr
30	" Do Do. Portage bill & Insurance &c			
30	" Do. Do Do Do for Month of " Dec	194	28	
		254	36	
1	" Do. Do Do Do " January	147	80	
18	" Do Do Do Do " February	148	94	
2	" Do Do Do Do " March.	137	48	
5	" Do Do Do Do " April	137	77	
5	" Commission discounting 5% on £166.10	83	00	
	" Interest to date @ 12% per annum	.64	38	
		1807	48	
5.	To balance brought down.	1807	48	
2	" Cash paid portage bill & compensation for may	136	85	
1	" Do Do Do " June.	137	14	
31	" Do Do Do " July	138	31	
6	" Commission discounting £412 20/100 @ 5%	20	62	
	" " Interest on payment since May 5th to date @ 12% p.a	4	82	
6	To Balance brought down.	2295	62	

...ellency The United States Minister

...unt Current with Watts Hall & Co

Cr

1873				
May	5	By Balance	$ 1807	48
		By Balance	1807	48
			2245	22
		E & O.E.	2245	22
		Yokohama 6th Aug. 1873		
		Watts Hall & Co		

Bill of Sale

Official number of Ship ... Date of Registry.

General description of Ship.		Original port of Registry	How Propelled
Name of Ship.	Built or Foreign Built		
Maria Luz.	British	Whitehaven	Sails
Number of Decks Number of Masts Rigged Stern.	Two Three Barque.	Build Gallerie Head Framework	Carvel none Round-built Wood.

Measurements	Feet inches
Length from the fore part of Stem under the bowsprit to the aft side of the head of the stern post.	109 . 2
Main breadth outside of plank	26 . 8
Depth in hold from tonnage deck.	18 . 5

Tonnage.	
Tonnage on main tonnage Deck Cased in, Space abov tonnage Deck if any Space or spaces between Decks Poop Round House Depth in hold from tonnage Deck ballast Total tons	870

I Charles E Delong having been authorized by the following official note to wit:—

To His Excellency C. E. Delong Envoy Extraordinary and Minister Plenipotentiary of the United States in Japan.

Yedo July 14th 1873

Excellency

We have the honor to bring to your Excellencys

Excellency notice the following extracts from
the protocol of the agreement made on the 28th.
June 1858 by the undersigned as representatives
of Japan and Peru for the submission to His
Majesty the Emperor of all the Russias of the
difference between the two governments growing
out of the case of the "Maria Luz"

Whereas the Bark "Maria Luz" abandoned
by her Captain now lies in the harbor of
Yokohama in charge of a guardian
placed on board of her by the Peru
vian representative in Japan the Hon
ble C. De Long Minister of the United States
and with the consent of the Japanese
government and whereas that guardian
ship has been and is now the cause of
daily expense; the undersigned equally
desirous to bring to an end this state of
things have agreed that the ship
shall be sold in public Auction for
the benefit of all parties concerned in the
result. Both governments declaring to
remit the proceeds of the sale, such
proceeds after the payment of the expenses
of keeping the ship since her abandonment
are to be deposited in a bank of Yokohama
and await such disposition as may be
ordered by a competent Court or by

the

the Arbitrator. We beg mi consiquence to say that it will be agreable to the undersigned if Your Excellency who with the consent of the Japanese Government took charge of the vessel mi October 1872 acting for Peruvian interests, will trouble yourself mi view of the condition of the Bark not having been modified since and do no the service to take measures for selling the "Maria Luz" at such time and mi such manner mi conformity with the proposal so as Your judgment will be likely to obtain the best price, and will dispose of the proceeds less expenses of sale according to the terms of the agreement it being understood that this action on your part shall mi no case be a cause of any responsibility to the Government of the United States or to yourself.

We have the honor to assure Your Excellency of our highest and most distinguished consideration.

Jaunsho Ga Reyes
Aurelio J. Garcia

Envoy Extraordinary and Minister plenipotentiary of Peru mi Japan
And mi pursuance of such request give directions to C.A. Fletcher &c
&c

t sell the Bark "Maria Luz" with all
her appurtenances by Public Auction
and same having been purchased by
L Haber Esq a German subject do now
in consideration of the sum of Mexican
Dollars Seven thousand two hundred
and fifty paid to me by said L
Haber the whole of the shares in
the ship above particularly described
Further I covenant with the said
L. Haber that I have power
to transfer in manner aforesaid
the said shares and that the same
are free from incumbrance
In witness whereof I have hereunto
subscribed my name and affixed my
seal this day of August One
thousand eight hundred and seventy
seven

Executed by the above
in presence of.

Legation del Peru
No 8.

Yedo August 18th 1873

Excellency

I have had the honor to receive Your Excellency's Depatch No 60 dated the 9th inst addressed in duplicate to the Gaimusho and this Legation advising me that the Bark "Maria Luz" was sold at Public Auction on the 1st of August and inclosing the Auctioneers account of Sale. Messrs. Walsh Hall & Co's account of expenses of keeping the Barque from Nov. 12, 1872 to August 6th 1873 and a draft of bill of sale of the vessel.

Answering Your Excellency's note, I beg to say in the first that concerns me that the acts above mentioned being in conformity with the Protocol of June 25th 1873 I see no objection to Your Excellency's proceeding following Your suggestion of Your Excellency's

will please trouble yourself to
sign the Bill of Sale referred to
Receipt the money from Captain
Fletcher as per his account of Sales
delivering the Cargoe to the purchasers
Messrs Baker Hall & the
amount of the account rendered
by them and deposit the residue
of the money in a Bank for the
benefit of the creditors of the vessel.
I do myself a duty to express to
Your Excellency my sincere and grateful
acknowledgments for your friendly action
and for the service that in this
matter Your Excellency the renewed
assurance of my highest and most
distinguished consideration.

H. C.

R. Ys y Garcia

C. E. Delong

C. E. Dep. Com. U. S. A. in Japan

Copy of Translation. Recd July 9th.

Tongui Offui Yokei
the 9th of the 5th month
of the 6th year Ansei

Your Excellency

I have had the honor to receive
H.B.M. dispatch No 60 dated the 7th inst
addressed in duplicate to the Gammio
and Kunnai Legation advising me that
the Barque Maria duly was sold at
Public Auction on the 1st of August and
enclosing the Auctioneers account of sale
Messrs Walsh Hall & co account for
expenses of keeping the Barque from Nov 12
1862 to August 6th 1863 and a draft
of Bill of sale of the vessel

In answering H.B.M. note I beg to
say in the part that concerns me
that the act above mentioned being
in conformity with the Protocol of
June 25th 1863 I see no objection to
H.B.M. proceeding, following out your
suggestions if you will please trouble
yourself to sign the Bill of sale
required & accept the many Bros

Capt. Tutcher as per his account of sales; deliver the barque to the purchaser pay Messrs Walsh Kell & Co the amount of the account rendered by them and deposit the residue of the money in a Bank for the benefit of the creditors of the vessel. I take pleasure in expressing my sincere and grateful acknowledgments for your friendly action and for the service that in this matter you have kindly rendered.

Your Excellency will please accept the renewed assurance of my highest and most distinguished consideration,

Yojiro Nagamori
Asst Minister for
Foreign Affairs.

By order of the Minister
for Foreign Affairs

C. A. Fletcher Esq

Dr to the undersigned

For 100 circulars	$ 10.00
Coolie hire discharging provisions	4.00
Advertising in Japan Herald & Hyogo Nichi Nichi Shimbun 2 mos	60.00
Commission on $ 250 @ 5%	27.50
	$ 291.50

Total

E & O.E.

Yokohama
Aug. 11th 1873

Received payment.

C. A. Fletcher & Co
Auctioneers

11

a/c

Received from C. E. Ladeng United States
Minister the sum of Twenty two hundred
Forty four Dollars Twenty two cents
(American bang disbursements of
Peruvian Barque "Maria Luz"

D.

Yokohama
11th Aug. 1870

Walsh Hall & Co

$ 2244 22/100

Memorandum

From the
Hong Kong & Shanghai
Banking Corporation
To
The Chief Secretary
H.M.S. Minister.

Dear Sir

I am in receipt of Messrs Wahlb
Hall & Co cheque for $ 4713.28/100 which
I have placed in Current deposit-acc
"in trust for the creditors of the "Maria
Luz."

Yours faithfully
J. F. Hodgson
Agt Manager

(In duplicate) 16

Copy

No 64

U S Legation

Yokohama Aug. 12 4/78

Their Excellencies

Sayashima Tamemi and

Okuno Kagenori &c &c &c

Ministers for Foreign Affairs

and

His Excellency

Aurelio Garcia y Garcia

Minister of Peru in Japan

The undersigned has the honor to advise you that on yesterday he signed the Bill of Sale of the Barque Maria Luz and received from E.A. Tilitchiess the proceeds of her sale less their account of Sales for which please find copy of their receipt marked Enclosure No 1 and Messrs Walsh Hall & Co the accredited Agents of record to date for which please find copy of their receipt marked

2/ marked (Enclosure no 2) and dep
the balance in the Hong Kong and
Shanghai Bank in trust for the
creditors of the Corean Maru Co
as per certificate to that effect
3/ marked Enclosure no 3)

Trusting that in this
action he has followed your wish
the undersigned has the honor to
subscribe himself.

Your obt Servant
C Eda Long

Legation del. Peru Yedo Aug. 14th 1873

Excellency

I have the honor to acknowledge the receipt of your Excellencys dispatch No 64 dated the 12th inst- wherein you advise me that on the 11th inst- your Excellency signed the Bill of Sale of the Barque "Maria Luz" owned from Messrs C.A. Fletcher & Co the proceeds of her sale less their account of sales as per their receipt, paid Messrs Walsh Hall & Co their account of expenses of vessel to date according to their receipt and deposited the balance of ($4,213 28/100) four thousand seven hundred and Fourteen Mexican Dollars and twenty eight cents in the Hong Kong and Shanghai Banking corporation of Yokohama as per copy of certificate to that effect which receipt and certificate have also come to hand

As your action is entirely in accordance with the Protocol of June 25th 1873 signed

by the Acting Minister for F. A. of
Japan and myself and with our
joint-note No. 9. E. of July 14th 1873
I have only once more to thank H. E.
most sincerely in my own name and
in the name of my Government for
the trouble that you have been so kind
as to give yourself in this matter,
assuring your Excellency of my same
recognition of your services and of
my highest consideration and particu-
estim

Aurelio Jo' Garce

Hon C E Delong
E E & M. P. of U.S.A. in Japan

Copy of Translation

Department for Foreign Affairs
Yokohama 20th of the 8th month
of 6th year Meiji

Your Excellency

I have the honor to
acknowledge the receipt of your Excellencies
dispatch No 64 dated the 12th inst in
which you advised me that on the 11th you
signed the bill of sale of the barque
'Maria Luz' received from messrs Fletcher
& Co the proceeds of her sale less their
account of sales as per their receipt,
paid Messrs Walsh Hall & Co their account
of expences of vessel to date according to
their receipt; and deposited the balance
of ($ 4713 $\frac{2}{100}$ cents) four thousand, seven
hundred and thirteen Mexican Dollars
and twenty eight cents in the Hong
Kong and Shanghai Banking
corporation of Yokohama as per copy
of certificate to that effect which
receipt and certificate have also
come to hand.

As your action in

entirely in accordance with the Protocol of June 25th 1858 signed by the Envoy Extraordinary and Minister Plenipotentiary of Peru and the Acting Minister for Foreign affairs of Japan and with their Joint note to you of July 14th 1858

I have only one more to thank your Excellency most sincerely in my own name and in the name of my Government for the trouble that you have been so kind as to give yourself in this matter.

With respect & consideration

Sayesshma Tanenami
H.I.J. the Minister for
F.A.

To
His Excellency
C. E. De Long
Envoy Extraordinary and
Minister Plenipotentiary of
U.S. in Japan

DEPARTMENT OF STATE
RECEIVED
SEP 19 1873

Acknowledge
Mr Reed

Delegation Japan

August 25th 1873

Ack'd 20 Sept.

No 462

Sir

Chas. De Long

Minister

Contents

Letter relative to the question of opening Japan to foreign trade.

No 462 Legation Japan
August 20th 1873

Sir

Referring to my Dispatch
No 454 of date the 31st of last
month relative to the question of
obtaining the opening of the Country
to foreign travel, I now have the
honor to advise you that on the 9th
inst I in common with my
Colleagues the Foreign Representatives
received a reply from the Minister
for Foreign affairs to the Letter
Identique of the 26th of July.

(Enclosure No 1) 1/462

This note after having fully
considered by the Corps was
replied to under date of the 11th
inst

Hon. Hamilton Fish
Secretary of State
Washington DC

print by another mail (duplicate is
2/26 (Enclosure No 2)

You will observe that this subject has met with a very pleasant termination for the present; and also that by the term of the Treaties apply much is to be hoped for in this regard.

Trusting to your kind approval I have the honor to remain

Sir

Your most obedient Servant

C. E. De Long

List of Enclosures.

No 1. Japanese Minister to Dr Long

No 2. Dr Long in reply

1/3 of translation rec'd Aug 9th

Foreign Office
the 8th of 8th month of
6th Year Meiji

Sir

Acknowledging the recpt of your
Excellency's communication dated 26th of
July 1873 addressed to Mr Ulyno Tagenori
with reference to the liberty of foreigners
for travelling in the interior of Japan
in reply of which I have the honor to
inform you that this Excellency Iwakura
had already conferred with the Minister
for foreign affairs of your Government
on this subject at the time when he
had the pleasure of making a cordial
visit to your Government and that
he is expected to this country
in a little more than twenty days
On his return it should be expedient
to arrange the matter conjointly with
you and the necessary methods and
regulations shall be adopted to

the best advantages of the first
government.

With respect & consideration
I have the honor to be
Sir your most
Obt Servt
Albert Gallatin
Secy of the Treasury
of the United States of America

No 62

U S Legation Japan
August 11th 1873

His Excellency
Sayeshima Tanemon
Minister for Foreign Affairs
&c &c

Sir

I have the honor to acknowledge the receipt of Your Excellencies note of the 7th inst: written in reply to the note identique of all the Foreign representatives in which the latter requests that the question of giving foreigners the right of travel in the interior of Japan may be considered between them and the Japanese Govt and determined in a manner suitable to the improved condition of the country

Your Excellency directs in your reply that this subject was referred to by the Ambassador Plenipotentiary Iwakura in the conference he held with the Hon the Secretary of State of the United States and you are

so good as to add that upon the
return of the Ambassador who is
expected in about three or four
weeks you will gladly consult
with me relative to the regulation
and measures which may best-suit
the convenience of both of our Governm

Be pleased to afford me such pleasure
to see in this friendly assurance of
your Excellency's disposition to treat
the question in the spirit which is
best calculated to promote a satisfact
adjustment. As your Excellency knows
wishes that further discussion shou
be deferred until the return of the
Ambassador Plenipotentiary my Colleag
and myself are willing in order to
mark our friendly feeling to your
Excellency to consider your wishes
in this respect. We shall not
therefore resume negotiations on
the subject until the expiration

of the time named in Your Excellency's communication I avail myself of this opportunity to renew to Your Excellency the assurances of my distinguished consideration.

B E Delong

C E Dickens

Worcester

No 462

Dated August 20th 75

Further about opening the country to foreign travel.

Japan. Copy of this & of previous despatch to be sent to Consul during his explanations

No. 445

Suspended for present.

DEPARTMENT OF STATE RECEIVED SEP 19 1873

Legation Japan

August 20th 1873.

No 463

From

E. E. Dodge.

Minister

Contents

Forwarding correspondence with Rear Admiral Thornton S. Jenkins U.S.N. on the subject of Mr Shufeldt's despatch about the Audience with His Majesty the Tenno.

No 468 U.S. Legation Japan

August 20th 1873.

Sir.

I have the honor to advise you that on the 24th of July last I addressed Rear Admiral Thornton S Jenkins U.S.N. a note relative to the question of the truth of Mr Shufeldt's dispatch to you about the audience of the Admiral with His Majesty. (Enclosure No 1) 1/463

To which note I received a reply on the 11th inst from the Admiral (Enclosure No 2) by which you 2/463
will observe that there is no room left for a doubt as to the utter falsity of the dispatch in question

Hon Hamilton Fish

Secretary of State

Washington D.C.

I

I have the honor to remain

Sir

Your most obedient Servant

G G De Long

List of Enclosures

No 1. De Long to Admiral Jenkins

No 2. Admiral Jenkins in reply

178

Copy.

Legation Japan
July 24th 1873.

Rear Admiral
Thornton A. Jenkins. U.S.N.
Commanding Asiatic Squadron.

Sir.

I have the honor to enclose for your information copy of a dispatch addressed by me to the Department of State under date of the 7th inst in which I have misquoted the tenth of a dispatch addressed by Mr Shepard then in charge of this Legation to the same Department in relation to the audience granted by His Majesty the Mikado to you in June last (Enclosure No 1) I also beg leave to enclose for your information copy of Mr Shepards dispatch as published. (Enc. No 2)

I have waited a long time for your arrival but as your departure from Shanghai is as yet unknown; I feel that I cannot wait longer, and I now beg you to furnish me with such information upon this subject as may be in your possession, that I may submit the same with the proofs already furnished to the Hon the Secretary of State.

The points to which my enquiries are especially addressed, and to which I wish to obtain full and explicit replies are as follows

follows to wit.

Did Mr Shepard of your knowledge concur in the demand made by the British Representative that His Majesty should arise?

Did he co-operate with his British and other Colleagues by writing a note enclosing a demand of this nature?

Did he receive that note back from the Japanese Ministers?

Did he destroy it?

Is this despatch in question untruthful in any respects within your knowledge? and if so in what respects?

I am aware that it may prove a most unpleasant office for you to make known to me the facts of this case as I am sure they are known to you; but putting my belief in your sense of justice; I trust that you will not allow any sense of delicacy to deter you from giving me such a full and candid reply to this note as the importance of this impeachment deserves

I have already obtained the British reply fully confirming the Japanese report all of which has been sent forward. Yours alone is wanting to make the chain of evidence complete.

I have the honor to remain
Sir
Your most Obedt Servt
C. E. De Long

(Received 10th)

Copy

U. S. S. Hartford
Flag Ship on Asiatic Station
Nagasaki Japan Aug 4th 1873

Hon C. E. Delano
United States Minister
Yokohama Japan

Sir

I had the honor to receive your letter of the 24th ult (by the steamer from Yokohama which reached this port on the evening of July 31st) transmitting a copy of a dispatch addressed by yourself to the Department of State under date of the 9th ult. and also copy of Mr. Shepard dispatch to the Department of State as published among papers relating to the Foreign Relations of the United States transmitted to Congress with the annual message of the President Dec 2nd 1872 &c.
You also inform me that in your dispatch to the Department of State you have impeached the truth of the dispatch of Mr. Shepard in relation to the Audience

granted by His Majesty the Mikado of Japan to me in June 1872 and you propound to me the following questions to which you ask full and explicit replies viz: 1st Did Mr. Shepard of your knowledge concur in the demand made by the British representative that His Majesty should abdicate (when receiving him)

2nd Did he co operate with his British and other colleagues by writing a note embodying a demand of this nature?

3rd Did he recall that note back from the Japanese Ministers?

4th Did he destroy it?

5th Do his dispatches in question contradict in any respects within your knowledge and if so in what respects?

I have numbered the quoted questions propounded to me as above to enable me better to refer to them in giving my answers. In reply to the first question I have to say that I do not know of my own knowledge that Mr. Shepard either did or did

concur in the demand made by the British Representative that His Majesty should arrive; but from a conversation with Mr Shepard (which he communicated himself) on the gun Deck of the Colorado as that vessel was leaving the anchorage off Yokohama for the anchorage in Yedo Bay whilst I was going to be ready to be presented to the Mikado of Japan on a certain day which Mr Shepard had informed me some days previously had been fixed upon, I came to the conclusion from what he told me that he had made a demand that the Tycoon should receive me standing and so conveyed was I although he had not said so positively and in plain language that I must pay a short language to him for as I supposed attempting to make complications at my expence and said that I would not go to Yedo at all but would return to the anchorage off Yokohama. Mr Shepard seeing that I was very indignant at what he had

told me, begged that I would not g
angry and assured me that he had
done nothing either to embarrass or
compromise me with the Japanese
Government. During this conversation
I learned from Mr. Schepeland that
a few moments after Captain Bala
and myself had left the Legation on
I think the Prussian Envoy (whose vi
had stopped for a short time on
way from making visits) Mr. Watson
H. B. M.'s Chargé d'affaires and Comm
Dunmuir, Chargé d'affaires of France
called to see him in regard to the
Audience for me which he had
previously arranged with the Tycoon
at Yedo, and he said he regretted
that I was not present to hear what
they had said to him. I then endeavo
to ascertain from him what the actio
had been and especially if he had m
to the Japanese Ministers, but getting no
satisfactory reply and believing from
his

his evasive answers that something had
been done which might lead to unpleasant
complications I said as I have before
remarked that I would return to the
anchorage off Yokohama. During this
conversation but after the assurances already
stated had been given to me by Mr
Shepard and I had yielded to these
assurances Mr
Shepard undertook to discuss the
propriety of Mr Watsons demand, which
he said he had made to the Tycoon
officer and seeming to expect my
concurrence in his views I was constrained
to say to him that unless he (Mr
Watson) they being merely charged affairs
had any right to demand or to expect
an audience of the Tycoon as all
their business being solely with the
Minister of Foreign Affairs and that I
& myself had never designed that
a demand should be made for an
audience but that as Naval Representative
of the United States in this station I wished

to

to duly represent my Government and to show the Foreign Government and people of Japan my proper respect

In answer to the second question I have to say that I know nothing at all of my own knowledge in regard to either Mr Shufeldt's conversation with his Consul or other Colleagues in regard to the Audience referred to further than from the inference drawn from his conversation already stated as having taken place on the Gun Deck of the "Colorado."

In reply to the third question I answer I do not know from my own knowledge that he either wrote or received back a note in regard to the subject of the Audience for myself.

The fourth question is answered by the foregoing replies

In answer to the fifth question I have to say that much of the Despatch no 46 to be found on page 3[illegible] of papers relating to Foreign Relations of the United States &c Dec 2nd 1872 relates to m

and embraces statements of which I have no personal knowledge but which I regret to have to say so I unhesitatingly say that that part of the despatch embraced on page 323 of the printed volume, commencing with the word "while" and including that part of the paragraph to the words "future action" is to say in the very least a very gross misrepresentation of the actual facts and occurrences as witnessed by myself and those who accompanied me to the Audience. Having said so much that the paragraph above referred to is a very gross misrepresentation of the actual facts and occurrence. I deem it but right to give a historical account and narration of what did actually occur in my presence between the time of my arrival at Yeddo and when Mr Shepard and myself were the guests of Imperial Caperon, and the time of my audience with the Mikado of Japan.

Mr. Shepard informed me that in arranging the Master of Ceremonies for my presentation

as to matter

an a fixed day (I think it was to be an Friday forenoon) he had also arran
for me to call upon the Minister of
Foreign affairs at his office on the forenoo
of the day preceding the day of the Audien
I accordingly made arrangements
for that visit, when on the afternoon of
of the day previous to the one mentioned
I was to call at the Foreign office
Mr Shepard came to General Capron
quarters and informed me that the
Audience must be postponed as the Minis
of Foreign affairs had just informed him t
the Mikado was sick. I replied very w
I will return to the Flag Ship and then
to Yokohama as I cannot wait an indef
inite period of time for an Audience, my other
duties forbidding much longer stay in
this vicinity but replied Mr Shepard
are to call upon the Minister of Foreign
Affairs to morrow at — Oclock. Certainly
I said but after that I shall leave for
Yedo The next day at the designa
Shepard and my
Flag Lieut. Mr Conner went to the Foreign

Foreign affairs office when a few moments after my arrival the Minister of Foreign affairs entered attended by an interpreter and another Japanese who was employed during my stay in apparently taking notes of conversation. Before hearing that the Minister of Foreign Affairs I could not at first determine in my mind whether his manner which appeared to me rather constrained was natural or not. After the exchange of the customary courtesies and being seated I desired the interpreter to say to the Minister that I was extremely sorry to hear that that the Mikado was unwell but that I hoped his illness was not serious and would not last long. Returning acknowledgements for the remark from the Minister I then asked that the Minister might be informed that my duties would not permit me to remain much longer in that part of Japan but that on my return next spring I would again ask to be presented to His Majesty. This did not seem to be the course the Minister expected the interview to take and the question was then

acted by him without being already
addressed either to Mr Shepard or myself
How many officers will accompany
the Admiral. The number being stated, and
I believe a list or memorandum prepared
prepared was shown, The interpreter then
stated that only three officers could be
accomodated as the interpreter said the
room was too small to hold more,
I replied that I could not consent to
presented with a smaller number of my
officers who desired to be present at the
audience than had attended my predecessors
other Foreign Admirals, the Duke of
Edinburgh and others. The reply was
the room was too small to hold more
it was not a fit place, but it was the
only one ready for use, that it was
the intention to have a proper room
prepared soon for granting audiences
Mr. Shepard then remarked that it was
a pity the Japanese Government could
not find a room sufficiently large to
accommodate fifteen persons, that became

no reason why the place of granting audience should be changed &c. I asked the size of the room in which the audience was held &c. When told the size of the room he remarked that it was not a suitable place for an audience and wished to know why that room had been selected, to which the Minister replied that he thought the Mikado had the right to designate the place where he would receive

The above remarks of Mr Shufeldt were I thought entirely uncalled for. and I could but feel regret at having been present to hear them made by him. I observed that probably the place referred to would be ready by the time I returned and then I should expect to have as many attendants as it had been the custom heretofore to receive on such occasions; list of persons and papers relating to previous audiences were then sent for and discussed and it was found that as many as twenty one had been

him [illegible] on one occasion and
fourteen on another &c.

I took occasion during a pa
in the conversation to ask the interpreter
to say to the Minister that I had no
asked through the U S Charge d'Affa
for an audience of His Majesty the
Mikado to gratify a mere idle curiosity
nor in asking had I desired or expected
to be in any way favored more than
others in similar station had been
but that I came as the official Repre
Representative of the President and people
of the United States to pay that respect
to the Sovereign Government and people
of Japan which was due to all Sovereign
and people with whom the Government
of the United States had treaties that it
any duty as well as my earnest de
to cultivate the most cordial relations
the Government and people of Japan.

When as I supposed from some more
that my interview with the Minister was
about to terminate and after some more
conversation in Japanese between the Min

and the interpreter the American was rather abruptly asked - "How does the Admiral expect to be received by the Mikado" to which Mr Shepard replied that - "is for the Admiral to say." I replied I expect to be received in exactly the same manner that my predecessor on this station Rear Admiral Rogers and the other Foreign Admirals and the Duke of Edinburgh had been received, no more and no less than was accorded to them. Now I do not ask and will not consent to.

I took occasion to say that if so had been rumored it was the intention of the Government to follow more closely than had been the custom heretofore the etiquette of Western nations within any near future, I hoped the Minister would not take it amiss if I appeared to him the opinion that he might not find a more fitting occasion to do so than the present although I had not requested any change from old usages at

It may have been my fancy but
I thought at that time that this was
and that there was a visible relapse
of the previous marked coldness of manner
and almost sternness depicted on the face
of the Mikado. I then arose from my
seat thanked the Minister through his
interpreter for the interview wishing the
Mikado speedy restoration to health and
retired followed however to the entrance
of the room by both Minister and
interpreter making my last bow I
requested the interpreter to do me the
favor to give me directions for finding
the residence of a Japanese official
whom I had known in America
who had called on board the "Colorado"
to see me and whom visit I had
desired to return. This last conversation
seemed to please both the Minister and
interpreter and I was accordingly given
the address asked for. After proceeding
a few steps down the hall of the
building Mr Shepard asked me to

his accompanying me home as he had some particular business to transact at once with the Minister. He stated he going toward the Foreign Office and I in search of my acquaintance and to my quarters at Shiba during the afternoon Mr Shepard returned to Mr Capron and informed me that the Mikado would receive me next day at the appointed hour as had been determined upon before leaving Yokohama.

I expressed my surprise and asked what was the meaning of all this "is not the Mikado sick." He said "No" it is only a Japanese lie.

The next day at the appointed time I started accompanied by Mr Shepard and Mr Hansen (who had informed me in reply to my earnest remonstrance against the impropriety of his taking any person not named by myself as being part of my Staff and command was "his Secretary of Legation) and the Officers of the Colorado and Seneca as

noted

mated in the preceding list.

Arriving at the part of the ground
where we left our carriages we
found officials in waiting to conduct
us to the Audience Hall, after
a short walk we reached a kind
of Summer House in the porch of
which a long table was spread
with refreshments and when I was
met by the Foreign Minister,
the Vice Minister Interpreters and a
number of other personages in official
dress. After the usual ceremonious
salutations we were all seated,
refreshments handed and conversation
commenced, After some delay a
movement was made when the
Minister spoke to the Interpreter who
immediately said. "The Minister says
the Mikado will stand while receiving
the Admiral." Whereupon the interpreter
was asked by me to thank the Minister
for the courtesy and to express my thanks
for the distinguished mark of consideration

for my Government A short time after my return to Yokohama the Minister for Foreign Affairs appointed a day and hour for returning my visit. While on board the "Colorado" he adverted to the fact that I knew Mr Mori the Japanese Representative at Washington (which he had learned from a letter of introduction of myself to him which letter I had sent to him after the Audience with the Mikado had taken place) and said that if he had received that letter before it would have simplified matters which I may in fact, I thought the remark significant when taken in connection with what had occurred in my visit to the Foreign office. In concluding this long reply to your letter I beg to say that my first impulse on seeing the despatch No 46 which I did a short

time

time and at Shanghai was to
address the Department in regard
to it, but a sense of duty at the
time and a natural reluctance to
notice in that haste a matter which
might be thought personal to myself
caused me to wait for leisure and
a more fitting opportunity to do so.

I shall send a copy of this letter to
the Honorable the Secretary of the
Navy.

I have the honor to be
Very respectfully
Your obt Servant
Thornton A Jenkins
Rear Admiral
Comdg U S Naval Force
on the Asiatic Station

Acknowledged Mr Reed
stated 20 Sept



No. Legation Japan

August 21st 1873

No 464

Sir

C. E. De Long

No Minister

Contents.

Treaty concluded between Peru and Japan

No 464 Legation Japan

August 21st 1873

Sir

I have the honor to advise you that last evening the Peruvian Minister advised me that he had agreed with the Japanese government upon the draft of a Treaty which would be signed to day at 4 p.m. That in matters alone remained to be arranged which he suggested to me to arrange for him which was that a salute should be fired to the Peruvian Flag. I proceeded to do to day suggested the matter to the Japanese Minister who agreed to do so upon receiving an assurance that a similar honor would be extended to the Japanese Flag by the Peruvian

Hon Hamilton Fish Government.

Secretary of State

Washington D C

Government.

This afternoon the Peruvian Flag was hoisted at the Kanagawa Fort and saluted: at the same time I received a telegram from the Peruvian Minister at Yedo advising me that the treaty had been signed. — By the next mail I hope to be able to send you a copy of the Treaty.

Thus this troublesome business has at last been brought to an amicable agreement. Throughout the affair I have endeavored in obedience to your instructions to extend my good offices in all cases at the same time unreservedly avowing my opposition to the Coolie Trade. — I hope my action may meet with your Govt approval. I have the honor to be

Sir

Your most obedient Servant

E. De Long

DEPARTMENT OF STATE
RECEIVED
SEP
6
1873

Japan.

Mr Bradley

San Francisco, California,
August 28. 1873.

The Hon. Secretary of ~~State~~,
Washington, D.C.

Sir:

I have the
honor to inform you that I ar=
rived in this city on Tuesday,
the 26th instant, Mr D.W. Stevens,
Secretary of Legation, accompa=
nying me.

It is my intention
to

to sail from San Francisco
for Yokohama, Japan, on the
first proximo.

I am, Sir,

Your obt. servant
Wm. A. Pinghame
U. S. Minister

Ltr file Acd Lib 15-oct- Dr Reed

Legation Japan

August 27th 1873

No 465

Jno

C. E. De Long

Minister



Contents.

Reply to Instruction No 199. relative to obtaining certain privileges in aid of the Commission to observe the transit of Venus.

No 465 — Legation of Yokohama

Japan August 2d 1873

copy of this paper sent to Prof Haworth 15 Aug 1873 No 34

Acknowledging the receipt of your instruction No 199 of 28th May 1873. directing me to apply for permission to establish stations for observing the transit of Venus, and to obtain the further permission to enter and clear free of duty at those ports the instruments to be used for that purpose; I beg to state that I addressed a note to the Government enclosing a copy of your instruction (Enclosure No 1) on the 25th inst requesting a reply thereto (Enclosure No 2)

1/465

2/465

The Minister appears disposed to render any reasonable assistance

Hon Hamilton Fish

Secretary of State

Washington DC

assistance, but-joining on for information I could not furnish; such as how much land would be wanted; when it was desired to locate the Stations; how long the land would be occupied &c; when delayed a reply until this date.

I am Sir

Your most obedt Servt

C. E. Dodd Long

List of Enclosure

No 1. Belong to Japanese Government

No 2. Japanese in reply.

Copy

No 47 U.S. Legation Japan

June 30th 1873

His Excellency

Uyeno Kagenari.

Minister for Foreign Affairs

Yedo Japan

Sir

I have the honor to forward for your information copy of a dispatch received by me to day from the Assistant Secretary of State of the United States (Enclosure no 1) relative to obtaining permission to establish stations in the neighborhood of Yokohama and Nagasaki for the purpose of observing the transit of Venus and also the admission of the instruments to be necessary for this purpose free of duty.

Requesting

Requesting that you will take
the steps necessary to accomplish
this object.

I have the honor to remain
Sir
Your most obedient Svt
C C Dibrell

Copy of translation

Foreign Office
Tokei the 25th of the 8th
Month of the 5th year
Meiji

Your Excellency

Acknowledging the
receipt of Your Excellency's note
bearing date of 30th June asking for
a permission from the Japanese Govern-
ment to establish stations in the
neighborhood of Yokohama and
Nagasaki for the purpose of observing
the transit of Venus and also the
admission of instruments necessary
for this purpose free of duty and
enclosing a copy of a Despatch
from the Hon J. C. B Davis the
Asst. Secretary of State of the U. S.
On this subject I beg to say that
the

the japanese Government will
render the proper assistance
when aforesaid instruments have
arrived at Japan

With respect & consideration

Sayeshma Tamoon

H.I.J.M.'s Ambassador for U.S.A.

To H.E.

C. E. De Long

C.E. & B. Pof U.S.A. in Japan

H.I.J.M.'s Ambassador Japan

C. E. De Long

Minister

No 463.

Dated Aug. 24th 1875

Subject: Instructions
No 199. relative to
obtaining permission
in aid of the
Commission & steam
Vessel of Revenue.

Navy Dept
Dis to 9th Oct
Read

Legation Japan

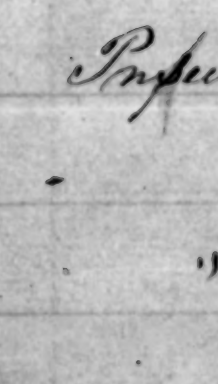
August 28th 1873.

No 266

From

C E De Long

Minister



Contents

Prosecuting claim of one C Borelet.

"Arrowlook Claim"

No 466 U.S. Legation Japan

August 28th 1873

Sir

I have the honor to forward herewith copy of a letter received at this Legation on the 4th inst from one C. Borstel (Enclosure No 1) 1/466
with copy of an account also received herewith. (Enclosure No 2) 2/466

In explanation I beg to state. That at the time of the Oneida disaster Mr Borstel was in command of the Brooklyn. When that vessel was tendered for service in aid of my efforts to rescue the Oneidas crew. I invited C.O Shepard Esq to go to organizing a crew to man her for Hon Hamilton Fish service

Secretary of State

Washington D.C

service: and to supplying him for a
cruise whilst I went with the
Young Lion, and afterwards was busy
in preparing for the judicial investigation
which followed.

Mr Shepard not being acquainted
with business of this nature invoked
the aid of Captain Bostel, directing
him to purchase and put on board
whatever was necessary. — This he
did including it seems a small
amount of liquors as shown by this
account. — When the expense account
of this vessel was examined the whole
of the same was allowed and paid
by our naval authorities except this
liquor account which was rejected
solely upon the ground that the
regulations of our Navy did not
allow

allow vessels of our own government to have such supplies furnished.

It has never been questioned but that Captain Bonnet purchased these supplies and placed them on the Arrowstock, and that they were there used by the officers in charge of that ship, and it now remains to be determined whether this gentleman shall be compelled to submit to the loss. Captain Bonnet is a European. He had no knowledge of our naval regulations in question. He acted in undoubted good faith, and his purchases were accepted and used. At the same time he remained on board of the vessel as a volunteer officer and gave his services for

I respectfully submit that his account

account should be allowed and paid.

I am Sir

Your Obedient Servant

C E De Long

Copy

Sir

I beg respectfully to bring to your notice that my claim against the United States Ship Arrowstock amounting to $143 of which I beg to enclose a copy has not been satisfied and that I have not been honored with any news upon the subject of the Honorable Charles E Delong sent me a letter dated August 16 1872 to which I replied on the 3rd December 1872. Subsequently copies of the reported letters I beg of you the special favor to bring about a final decision of this matter and to render me your assistance for obtaining the above mentioned amount due to me and

Sadly

sadly wanted under present
circumstances. My address is
Mrs Pascaday &c of Quay.

I have the honor to be Sir
Your most obedt Servant
C Castel

To the Honorable
the Secretary of the United States
a Lidds

Dr/

Sir

Trough some mismanagement
the items of your acc. that is the
bill thereof as also of Mr. Sterne
has become lost or otherwise.
I should probably have brought
back with me the money & settle
all; as Mr Stearns has been called
on to furnish his Ofc. accts.
I would suggest to you to
do the same and I will again
forward it to the Dept for you
I presume all will be settled
as soon as secured, at least
I was so assured by the Hon.
the Secretary of the Navy.

Yours very truly
C Caldwell

C Boretel Esq.
Aug 16th 1872

Copy

Sir

Your returned favor of the 16th Aug. has reached me at Quay on the 30th November and I beg you to accept my sincere thanks for the kind communications made to me with reference to the probable settlement of my claim on the Navy Department. In compliance with your request for a duplicate of my Bill, I have ordered my Attorney at Yokohama Mr. J. Ruff Hertel Esqr. to forward same at once to your good self and beg to ask the special favor that your good care may be continued on my behalf which I take as the best guarantee for success. Letters or payment will reach the

me under address of Passadag
Geo Amoy or J. Wulf Yokohama

I have the honor to be

Sir

Your obedient Servant

C Corbett

Amoy 3rd December 1862

To the Honorable

C E Delong.

Minister Plenipotentiary of the

United States at Yedo

Copy

Yokohama 26th Feb. 1870

Captain & owners of the American

Steamer "Arrowstock"

Jan 28th	1 c Champagne	$12
	1 c Rhenish	" 12
	1 c Cognac	" 12
	1 c Kummel	10
	1 c Gin (Tully)	6
Feb 8th	3 Doz Claret @ 7	35-
	1 c Beer	11
	½ Doz Cognac	6
	½ Doz Sherry	5-
	1 c " Do	10
Feb 10.	6 Bottle Whisky	4
	1 c Sherry	10
" 14.	1 Doz Sherry	10
		$143

Received Payment

P. J. Caret & Co

L. Busch

U. S. Legation Japan

C. E. De Long.

Minister

No 466

Dated Aug 28th 1873

Presenting claim
of one C. Constil

Mr O'Connor
to Mr Reed

Legation Japan

August 30th 1873

No 269

From

O E De Long

Minister



Contents.

Forwarding draft of Quarantine Regulations agreed upon by the Foreign Representatives with the Japanese Government.

The Quarantine regulations forwarded in this dispatch as agreed upon between the Japanese Government and the foreign representatives, are undesirable, and require no action by Department meerely in my opinion

Henry O'Connor

October 11th 1873

Mr Low's case
Mr Low's case
Mr Low's case

No 467 Legation Japan

August 30th 1873

Sir.

I have the honor to advise you that in conjunction with my Colleagues the Representatives of the Foreign States in Treaty with Japan. I assisted in framing and signing a Collective Note to this Government (Enclosure No 1) 1/467 relative to establishing Quarantine Regulations. With this note we also forwarded a draft of Regulations that in pursuance the adoption of (Enclosure No 2) 2/467

Subsequently at the instance of the Minister for Foreign Affairs I as acting Dayen of the Corps called the Hon Hamilton Fish Secretary of State Washington D.C. by

body together at the Foreign Office when after discussion with the Minister for Foreign affairs we all agreed upon an amended Code of Regulations, which it was also agreed that the Minister for Foreign affairs should forward to us.

On the 25th inst. I received from the Minister a Note addressed jointly to all of the Foreign Representatives (Enclosure No 3) accompanied by the printed Draft of Regulations (Enclosure No 4) which proving to be in strict conformity with the one verbally agreed upon by us: I addressed my Colleagues a Note communicating the same to them and advising them that with their approval I would send in our written acceptance. (Enclosure

No

5/67 No 5) — With this Note I also sent
a draft of the reply I proposed to
6/67 forward. (Enclosure No 6) — This
being approved of by all except Mr
Watson (who was not authorized to
act during the absence of Sir Harry
Parkes) I forwarded the same
to the gouvernment signed by all
except the British Representative.

You will observe that by the
terms of our Collective Note (Enclosure
No 1) it is specified that these
Regulations are not to be promulgated
or put in force until some exigency
shall arise requiring it; therefore the
same will remain unnoticed and
indeed until it may become
necessary to act.

I am Sir
Your Most Obedt Servt
C E DeLong

List of Enclosures.

No 1. Collective Note of Foreign Representatives

No 2. Draft of proposed Quarantine Regulations

No 3 - Reply of Minister for Foreign Affairs

No 4. Draft of Regulations proposed by Sami

No 5 De Long & his colleagues

No 6. Collective Note to Japanese

Government.

Copy.

Collectorate. Yedo

August 12th 1873

From the Foreign Representatives
to His Excellency
Sayeshima.

Sir

In view of the disquieting reports which have lately been received of the outbreak of Cholera in Siam and Singapore it seems desirable that His Excellency the Foreign Minister and the Foreign Representatives should consider in time the measures which may be needed to prevent the spread of this disease to Japan

The undersigned therefore propose to His Excellency the consideration of the enclosed Quarantine Regulations which

which in case the necessity for doing so should arise the undersigned are prepared to accept and enforce in the case of the vessels, the subjects or the citizens of their respective nations. The undersigned would also recommend to His Excellency that a Quarantine Commission should be constituted at each of the Treaty Ports consisting of the Kuan or Imperial Chinese officer at each port and the Consuls of the various Treaty Powers, whose duties should be to appoint the Health officer and any assistants and to superintend and see carried out the various arrangements necessary to the execution and enforcement of the aforesaid Quarantine Regulations.

The

The Health officer at each port should be bound by the written instructions of the Quarantine Commissioners and one of the duties of such Commission should be to hear and determine any appeal which may be lodged against the decision or action of the Health officer. The services of the Quarantine Commission contemplated by the undersigned would of course be gratuitously rendered but they presume that the Japanese Govt would be prepared to provide the salary of the Health officer and his assistants and also to remunerate any medical men whose services may at any time be required either by the Quarantine Commission

or

or by the Health officer.

The undersigned are prepared to place at the disposal of the Japanese Government an officer of one of the Foreign Men of war which may be in harbour who shall remain on board one of the Japanese Vessels of war, and with whose sanction the commander of such vessel of war shall be at liberty to use force to compel any foreign merchant-ship to comply with the Quarantine Regulations. Every Foreign ship entering a Treaty Port may be stopped by such vessel of war acting with the sanction of the Foreign officer as aforesaid and the Commander officer or Master should be forthwith furnished

furnished with a copy of the Quarantine Regulations. It is evident that the same system and the same Regulations should be enforced at all the Treaty Ports and as the Five Ports of Kanagawa Hiogo and Nagasaki are in telegraphic communication with each other the undersigned considers that Quarantine should commence and should terminate simultaneously at each of these Ports, upon orders given at the same time and to the same effect, through His Excellency to the Japanese local Authorities and by the Foreign Representatives to their respective Consuls. In conclusion the undersigned begs to observe that-

that although in their opinion it is highly desirable that a clear understanding should be arrived at between this Excellency and Turkey as to the measures necessary for the establishment of Quarantine Regulations at the Treaty Ports still that these regulations even when determined on should not be varied unless urgent and manifest necessity for applying them should occur.

I am instructed &c.

Encl 1/7

Enclosed Note

Scheme for Quarantine Regulations at the Treaty Ports of Japan

Whereas it is expedient that measures should be taken for protecting the various Foreign settlements in Japan and the country at large from the approach of Cholera it has now been agreed between His Excellency the Foreign Minister of Japan and the Foreign Representatives that the following Regulations shall be established and that His Excellency the Foreign Minister and each Foreign Representative shall take such measures as are by the laws of their respective countries necessary to ensure the proper observance

observance of these Regulations by
their countrymen.

I

Any vessel entering a treaty port
from any Foreign Port which is
declared infected will not be admitted
to free pratique until ten days
after departure from said Foreign
Port.

II

Any vessel entering a Treaty Port with
a clean Bill of Health or from a
voyage which has lasted more than
ten days will not be subjected to
Quarantine, but if any case of Cholera
has occured on board any vessel
subsequent to her last departure
from Port she will not be admitted
to free pratique until ten days
after

after her arrival in a Treaty Port.

III

Every vessel entering a Treaty Port with Cholera on board will be kept in Quarantine until ten days after the removal of the last case from the ship.

IV

The commanding officer or master of any vessel arriving in a Treaty Port with Cholera on board shall hoist the Quarantine Flag and shall hold no communication with any other vessel or boat or with the shore, and shall not allow any person on board his ship to do so until permission to do so be given by the Health officer or his Assistant. The commanding

Officer

officer or master shall also inform the Health officer or his assistant on arriving and ship that his vessel is infected with Cholera. and he shall answer explicitly and in writing if demanded all questions which may then or at any other time be put to him by the Health officer or his assistants.

V

The commanding officer or master of any vessel so infected shall remove his ship to any berth or birth shall be pointed out by the Health officer or his assistants and shall there remain and keep the Quarantine Flag flying until

a

a clean Bill of Health shall be granted by the Health officer and shall afford free access and render every assistance to the Health officer or any physician or surgeon appointed by the Health officer to visit such vessel.

VI

The Health officer may direct the removal from any such vessel of all persons whom he deems infected to a Hospital ship which will be provided by the Japanese Government but will be managed under the arrangement and according to a scale of charges to be determined by a Quarantine

Commission

commission and to be defrayed by the parties concerned.

The Health officer will also superintend the disinfection and purification of vessels so infected and their cargoes and may if he think necessary direct the removal of infected cargo to a place provided by the Japanese Government, the cost of such disinfection, purification or removal of cargo will in all cases be borne by the owners or consignees.

VII

Any person deeming himself aggrieved by any act or decision of the Health officer may appeal through his Consul to the Quarantine

Quarantine Commission whose
decision shall be final

Copy

Translation

Circular

Foreign Office Tokei

25th 8th mo. 6th year Meiji.

Sir Excellency:

Mary States

H.B.M. E.E. & M.P. and acting for

Austro Hungary in Japan

C. Eddy

E.E. & M.P. of the U.S. and

acting for Hawaiian Islands in Japan

Jules Patenotre Comte de Bellecourt

Min. Plen. of the Republic of France

in Japan

M. Von Brandt

Minister Res. of Germany in Japan

William Thomas Hewish for Netherlands

Min. Res. of the Netherlands and

Acting for Swedish Norway in Japan

Sir Thomas Rodney M.P. &c. &c. &c.

Chargé d'affaires for Spain

E. K. Butgers

Chargé d'affaires for Russia

and acting for Denmark and Japan

Count de Lutta

Chargé d'affaires ad. int. for Italy

I beg to inclose for your Excellencies

the proposed quarantine Regulations

which have been discussed at our

meeting held on the 25th inst.

I am sure desirous to know if

you have any opinion about the

said Regulations

With highest consideration

I have the honor to be

Sir

Your most obedient Servant

Chargé d'affaires

Copy

Scheme for Quarantine Regulations at the Treaty Ports of Japan

Art. 1.

A ~~He~~ Quarantine Commission composed of the Senior or principal Japanese Officer as President and the Consuls of the various Treaty Powers, shall be convoked by the Japanese Government at each of the open ports.

Art 2.

The Commission shall appoint the Health Officer and any Assistants that may appear necessary, and it shall superintend and see carried out the various arrangements necessary for the execution and enforcement of the Quarantine Regulations.

Art. 3.

Art 3.

The Health Officer and his Assistants are to be bound by the written instructions of the quarantine Commission. and will be appointed by the Japanese Government

Art 4.

The Japanese Government will station a vessel of war outside of the anchorage as a guard ship to assist in enforcing these Regulations

An officer from one of the foreign vessels of war will be placed at the disposal of the Japanese Government to be put on board of the said quarantine Guard Ships.

The Commanders of the Guard ships will take the advice of this officer before resorting to the use of force, to

to compel any foreign ships to comply with these Regulations

Art. 5.

Every foreign ship entering a Treaty Port may be stopped by such Guard Ship acting with the advice of the foreign Officer as aforesaid and the Commanding Officer or Master shall be forthwith furnished with a copy of these Regulations.

Art 6.

Any vessel entering a Treaty Port from any foreign port, which is declared to be infected with [illegible] shall not be admitted to free pratique until ten days after departure from said foreign port.

Art 7.

Any vessel entering a Treaty port

with a clean Bill of Health, or from a voyage which has lasted more than ten days. will not be subjected to quarantine.

But if any case of cholera has occurred on board any vessel subsequent to her last departure from port. she will not be admitted to free pratique until ten days after her arrival in a treaty port.

Article 8.

Every vessel entering a treaty port with Cholera on board will be kept in quarantine until ten days after the removal of the last case from the ship

Article 9.

The Commanding Officer of Merchant Vessels entering in a treaty port with Cholera on board, shall hoist the

the Quarantine flag. and shall hold
no communication with any other
vessel or boat or with the shore,
and shall not allow any person
on board his ship to do so, until
permission be given by the Health
Officer or his Assistant

The Commanding Officer or master
shall also inform the Health Officer
or his Assistant on reaching such
ship that his vessel is infected
with Cholera. and he shall answer
explicitly and in writing to demanded
all questions which may then or at
any other time be put to him by
the Health Officer or his Assistant

Art 10.

The Commanding Officer or master of
any vessel so infected, shall

shall remove his ship to any berth which shall be pointed out by the Health Officer or his Assistant. and shall there remain and keep the quarantine flag flying until a clean Bill of Health shall be granted by the Health Officer, and shall afford free access and render every assistance to the Health Officer - or any Physician or Surgeon appointed by the Health Officer to visit such vessel.

Art 11.

The Health Officer may direct the removal from any such vessel of all persons whom he deems infected, to a Hospital Ship which shall, be provided by the Japanese Government but will be managed

under the arrangements and according to a scale of charges to be determined by the Quarantine Committee and to be defrayed by the parties concerned.

The Health Officer will also superintend the disinfection and purification of vessels so infected. and their cargoes, and may if he shall necessary direct the removal of infected cargo to a place provided by the Japanese Government the cost of such disinfection, purification, or removal of cargo, will in all cases be borne by the owners or consignees.

Art. 12

If any case of Cholera has occurred on board of any vessel in port, any person so infected, shall be removed at once to the Hospital Ships. and

and measures will be taken, to move the vessel so infected with Cholera, out of Port.

Art. 13.

Any person deeming himself aggrieved by any act or decision of the Health Officer, may appeal through his Consul to the Quarantine Commission, whose decision shall be final.

Art 14

His Imperial Majesty's Japanese Minister for Foreign affairs, and each foreign Representative, will take such measures as are necessary to ensure the proper observation of these Regulations by their countrymen,

Copy

No 195 U.S. Legation Japan

August 25th 1873

To Their Excellencies

M. Berthemy

M. Von Brandt

M. Von Mickwitz

M. de Butzow

M. de Leitão

M. Ojeda

R. G. Watson

Gentlemen

The undersigned begs leave to call to your attention the accompanying Note and draft of Quarantine Regulations received this day from the Minister for Foreign Affairs: also to draft of joint reply the undersigned proposes with your approval to return

Received August 27 1873.

return.

You will kindly subscribe to the proposed reply your signature or such remark as you may see proper to make and return the same: whereupon if the same has met with the approval of all present it will be forwarded to this government

C. C. Bd Secy

No U.S. Legation Japan

August 23rd 1873

To

His Excellency

Sayeshima Tanenori

Minister for Foreign Affairs

&c &c

The undersigned acknowledging the receipt of Your Excellencys Note of this date submitting for our approval an enclosed Draft of Quarantine Regulations begs leave in reply to advise you that the same are accepted and will be given force and effect by me in co operation with Yourself.

With respect &c &c

C. E. DeLong

U.S. M. for Hiogo Japan

Bertheny

Minister Plenipotentiary de France

Mr. C. Brandt. Minister resident

for Germany.

Don Meckerlin

Minister Resident de Nassau

Esq. de Butzow Charge d affairs

de Russia.

Edelta. Charge d affairs de

Italia

Conde de Ayala

Charge d affairs de Espagne

(Mrs) Mr. H Parkes being absent

Mr. Patrick not having the requisite

authority to open business the

note in this form was sent in on

the 29th inst

Mr. O'Connor

Mr O'Connor
v
Mr Reed

Legation Japan
September 1st 1873.

No 468

From

O E D Long
U S Minister.



Contents.

Report of

Proceedings to obtain the release of a
Servant of an American resident.

No 468 Legation Japan

Sept 1st 1873

Sir

I have the honor to advise you that on the 29th of June last I received a Note from our Alfred Bidlar an American resident (Enclosure No 1) informing me of the unlawful arrest and detention of a Japanese Servant in his employment by these Authorities; asking my assistance and enclosing for my information Copy of a Note addressed by him to Consul Shipman dated June 25 (Enclosure No 2) and copy of the Consuls reply dated the 27th of June (Enclosure No 3) by which it appears that this complainant had first sought relief at the hands of the

Hon Hamilton Fish
Secretary of State
Washington DC

Consul

1/468

2/468

3/468

On the 30th of June I addressed
the Consul a Note calling his attention
to this subject and requesting him to
forward me copies of his correspondence
11/468 upon the subject (Enclosure No 4)

On the 1st of July the Consul replied
admitting his inability to obtain redress
5/468 (Enclosure No 5) and forwarding to me
copies of the same correspondence Mr
Vidal has submitted to me to wit (Enclosures
Nos 2 & 3) also copy of a Note from four
of the teachers at the Grammar College
6/468 (Enclosure No 6) Also copy of a Note
from them to the Governor of Gedo
under date June 17th submitting the
matter to him (Enclosure No 7) Copy
8/468 of the Governors reply (Enclosure No 8)
Copy of another Note by them to the
Governor under date June 24th Enclosure

No

2/68 No 9 / announcing his demand and in
note in reply from the Governor declaiming
in his part any jurisdiction over the
1/68 subject: (Enclosure No 10)

On the 3d of July I addressed a Note
to the Acting Minister for Foreign Affairs
asking for the release of the Servant-
1/68 (Enclosure No 11)

On the 7th of August I received a
Note in reply from the Minister for
Foreign Affairs denying my right to the
relief I had requested but as the note
failed entirely to discuss the grounds
upon which I had based my demand
I considered it to have been written
in error of the nature of my demand
12/46 8 (Enclosure No 12)

Accordingly on the 8th of August
I addressed the Minister a Note in
reply

13/468 reply (Enclosure No 13) in which I
advised him that I did not for a moment
question the complete jurisdiction of those
authorities over their people in this
Empire whether in foreign employment
or not (as he had seemed to apprehend)
but that my claim was that to effect the
arrest of an Employe of an American
resident it was the duty of those authorities
to proceed through the assistance of
American officials resident here.

On the 29th of August last I
received another reply from the
Minister advising me of the boys
14/468 release (Enclosure No 14) accompanied
by a copy of a note from the Judicial
Department to the Foreign office
15/468 (Enclosure No 15) explaining the cause
of the servants detention; and also

by

by a copy of the order of the Court in the case (Enclosure No 16) —

5/468

I have since seen Mr Wilson who informs me that his servant has been restored to him but only after months of wanton imprisonment under circumstances of extreme cruelty.

The question that was raised in this case but avoided by the government was the important one of the right of these authorities to make arrests upon American persons without the intervention of our authorities

It remains for you to determine whether any instructions upon this point should be issued or not

I remain Sir

Your Most Obedient Servant

C. C. D. Ling

List of Enclosures.

No 1. Alfred Walker to C & De Long

No 2. Alfred Walker to C O Shepard.

No 3. C O Shepard to Alfred Walker

No 4. C & De Long to C O Shepard.

No 5. C O Shepard to C & De Long

No 6. School Teachers to C O Shepard

No 7. C O Shepard to Japanese Governor

No 8. The Governor in Reply.

No 9. C O Shepard again to the Governor.

No 10. The Governor's Second Reply

No 11. C & De Long to Acting Minister for F. A.

No 12 Reply of the Minister

No 13. De Long to Minister for F. A.

No 14. Second reply of Minister

No 15. Judicial Dept to Minister for F. A.

No 16. Copy of Judgment of the Court

Copy

Yedo June 29th 1873

C. Edw. Long
Esq
U.S.
Yokohama Japan

Sir

I have the honor to submit for your examination a copy of a note addressed by me to Count Shigenobu (Enc. No 1) and also copy of the reply received by me from him (Enc. No 2)

This correspondence is relative to an application made by me to him for assistance to obtain the release of my servant from an unlawful imprisonment. I rely upon your calling to assist me in attaining the relief which I have reason to apprehend I cannot obtain through the

assistance

Acceptance of the Council.

Brevet 2d Lieut

Lieut Colonel Regt

Alfred Miller

Tokei Osaka June 25th 1873

C. O. Shepard Esq.

U S Consul

Hanagawa Japan

Dear Sir

On the 9th of June I had the honor to lay before the American Consulate at Yokohama a complaint to the following effect, That a Japanese servant in my employ named Harada had been arrested and detained by the Japanese authorities without my consent or the authority of any American official and greatly to my annoyance & also stated that there was no charge against the boy, but he had been requested by the Japanese Authorities to go to their office to make a statement about

about an affray which had occured
a few nights previous and and of
which he had been a witness
before I allowed him to go I
secured a promise from the Bank
authorities that the boy should be
allowed to return, at the time I
understood that this promise was
given by authority of the police
officers I made a complaint at
the Consulate in person and secured
a promise that the matter should
be looked into From the 9th to
the present I have made repeated
private efforts to have the boy released
and to no avail; as it is now
nearly three weeks since I
laid the complaint before you
and as I am daily in receipt

J.

of mine that the boy is being most inhumanly treated by being beaten half starved and put up in a small close room with several others in that the boys life is in danger

I respectfully request you to inform me what answer the japanese authorities have made to the complaint and upon what grounds they refuse to release the boy. For it appears I have failed to obtain redress through the Consulate I shall immediately lay the matter before the U.S. Minister.

I remain Sir
Very respectfully
Your obt servant
Alfred Nutter

note The complaint mentioned as having been made on the 25th June was a verbal one to Mr. Mitchell and not in writing as is proper in such

Copy

No 200 United States Consulate

Kanagawa June 29th 1873

Alfred Mueller Esq.

Sir

Your letter of June 25th is received. As soon after my late illness as I was able to attend to business I took steps in the matter of which you complained concerning the embarkation of boys Suttow Gardner and Mombaru at the Kusunoki. I wrote the Chief of Police of Yedo and concerning the arrest of your servant & wrote the Governor of Yokei. To the former I received an unsatisfactory reply and have written again and to the latter I am hourly expecting a reply

&c

As soon as I learn our you shall be informed. I am acting in the premises according to my best judgment nor will your threat of laying the matter before the Minister effect me in the least. I am sure he would not entertain the matter until referred to him by me. The right of appeal every American Citizen has but remember Sir dear Sir that you have not the privilege of taking the law into your own hands am mounted and appealing to me for protection the last. By your assault & battery upon an foreigner and Mr Woods shooting another, but as soon and as well as I can arrange matters it will be my pleasure so to do

I.

Salut Cor

Votre obeissant Serviteur

C. P. Shepard

Canal

Copy

No 161. United States Legation

Yokohama Japan

June 30th 1893

Sir

I have the honor to submit for your information herewith copy of a note received from Mr Alfred Miller on yesterday (Enc No 1)

I will thank you to send me up a report of your proceedings in this business with full copies of all correspondence upon the subject.

I am Sir

Your obt. Servt

C E Dekay

C B Shepard Esq

U S Consul

Kanagawa Japan

Copy

Rec'd July 1st

No 205 United States Consulate

Kanagawa Japan

July 1st 1873

Hon C C De Long.

Acknowledging your No 161
of date June 30th I have the honor
to enclose all correspondence in
the premises referring to the matter
at the same time to you for
settlement. I will here see that
the Governor returns my letter and
refers me to a Department of the
General Government with whom
I am not at liberty to correspond
This alone will be sufficient ground
for placing the case before you

I have the honor to be
Your obdt servant

C O Shepard
Ad Consul

Copy

Tokei June 13th 1873

C. A. Shepard Esq.

United States Consul

Kanagawa Japan

Sir

We the undersigned American citizens in the employ of the Japanese Government at Tokei respectfully beg to bring to your notice several serious causes of complaint from which we have suffered more or less during our residence at that place We feel constrained to lay these complaints before you from the fact that all our attempts to get them remedied by the School authorities have failed and we believe that a protest from you as the Consul of the United States will have

have the desired effect

Our first complaint is that during our residence here we have been unable to exercise our choice and preference in the selection of servants We found that there exists here a combination of boys, butlers, gardeners &c who insist upon our employing none but one of themselves, and they force all other servants from our service either by threats of violence or by bribery. This of itself would not be so great an evil were it not for the fact that these ruffian servants are for the most part worthless and dishonest. Several of us have attempted to remedy this condition of affairs by employing outside servants but whenever we have

done so it has only resulted to our greater annoyance by the servant being suddenly driven away or his being arrested and detained by the police authorities on the most frivolous and fraudy charges

At the present time one of us is suffering the greater annoyance from the detention of his servant who was induced to go to the Saibansho to make a statement upon the promise that he should be allowed to return. The boy has done nothing to merit punishment nor has the Japanese authorities brought the slightest charges against him. This is not a solitary occurence frequently our servants have been taken from us

us and detained for several days
without our consent or your
authority and as this is clearly
an infringement of our Treaty rights
which we have remonstrated with the
authorities but in vain, have
we made your aid.
Again for any labor we require
such as occasional Coolie or
Firewood we are compelled
to pay thrice or three times as
much as a person living outside
and if we object we are often
followed by unfortunate imprisonment
which if they continue will
sometime result in our doing
that for which we would
render ourselves liable to be
brought before the bar of your Court

From

From this abstinence of the school authorities in doing anything to investigate the case; may more from their prevarications in several instances, as for example in the case mentioned above; when the school authorities were applied to to procure the release of the boy they refused on the ground that they had no right to interfere whereas a letter was found in the hands of the police authorities from the school authorities authorising the former to detain the boy although the master of the boy had not been asked nor consulted. We have had to admit the weakness of applying again to them, may more

have at times solicited that the
authorities were fully aware of the
annoyances under which we suffer
but for reasons of their own
perhaps fear or interest they do
not wish to disturb the present
condition of things. Under these circumstances
nothing is left us but to appeal
to you and to request you to bring
this matter before the authorities
to strongly remonstrate against these
continuance and to represent to the
Japanese authorities that whilst we
are in their employ we cannot
consent to surrender one iota of our
rights as American citizens.

With great respect
we remain
Your obt Servts.

Alfred

(Signed) Alfred Miller

H M Scott

W. A Wood

F B Washington

(note) Mr Peters signature was at first attached but at his request was withdrawn

Copy

No 182 U.S. Consulate

Kanagawa June 17th 1873

Shimomoto Kei-ho-no-kami

Shi ho. Sho

Sir

Frequently within the past year complaints have come to me from some of the Americans employed at the Kei-au-gak-ko of petty annoyance at the hands of members of that institution Mombaro &c and now a fresh complaint is received that three pupils among the house boys butlers Mombaros and gardeners a guild or combination by which an outside servant is prevented from taking employment and is driven away. The servants thus forced upon foreigners are said to

to be rascals and thieves, also that Gmirick, shan. men charge thrice and three times as much for journeys inside the Kei as for those outside and unless the amount demanded is paid they refuse to go

All these facts have been as I am assured laid before the College authorities but without the slightest effect hence the appeal to me. The servant of one gentlemen Mr Miller is I understand now in confinement because he dared to take employment without the consent of the other servants and because he refused to pay them money. If these things be true my dear Sir they are certainly

certainly very bad and will
I trust receive at your hands
a speedy investigation.
As I understand it there is
in Tokei a fixed scale of
charges for Gin-rick-shaw
hire and I would ask if
a violation of that rule or scale
does not subject the man
refusing that fee to punishment
I beg you will kindly give
me a speedy reply.

I have the honor to
be
Your obedient Servant
E. O. Shepard
Consul

Copy

Department of Justice

Sir

I have received your letter of 17th of 6th month and fully understand your meaning. The rule about the shooting in Kiukiang has been abolished.

If you have proof that the Mandarin of the Kiangsi has been doing wrong please send me else I can do nothing in the matter

Yours faithfully

Kii-ko-no-kami

To E C Sherrard

U S Consul

Copy

No 193 United States Consulate

Kanagawa June 24th 1873

Okubo Ichi Esq.

Foreign Office

Sir

I have reported to me that some days ago Mr Okuma director of the Kaisigaku represented to Mr Bullock an American teacher at the College that his (Mr Bullocks) servant was needed as a witness at the chi-ho-cho and requested Mr Butler to allow him to go Mr Bullock replied that they could not take the boy away without my consent but that if Mr Okuma would promise that as soon as the boy had given his testimony he should be allowed to return he would allow him

dun to go. This Mr Edera promised to do but instead the boy is said to have been arrested beaten and detained and is still in prison. This duckting if practiced is anything but honorable and I would kind you & your earliest convenience to inform me why the boy was arrested and why he is still detained & ask for his immediate release which request if not granted will oblige me to report the matter to my Government. No Japanese official has the right by false representations to entice away the servant of a foreigner. If the servant of an American has been doing wrong

wrong it is your duty to ask my consent for his arrest and if proper will always be given.

Please give me a reply as soon as possible.

I am sir
Your obt servt
C. O. Shepard
Samuel

Copy

June 28th 1872

His Excellency Shufeldt

Consul of U.S.

Sir

I had the honor to recive your letter dated 24th of June, however it arrived at 27th and I can the whole meaning but this offeil Tokui (is) has no relation to the affair which meant in the letter, thereby I did not know what is matter until recive the letter and could not manage for this business entirely differ from mine. but I think you shall be proper to consul to Mon bun sho because the affair could be managed by Mon-bun-sho. hence I sent back the letter

to

to you

I am Sir

Your obedient Servant

Okubo Toshio

(20) Tokei fu Chi. ji

Ca/7

No 48. Legation of the United States
Yokohama July 3rd 1873

His Excellency
Tajiro Kagenori
Minister for Foreign Affairs
Yedo Japan

Sir

I am in receipt of a complaint from one Alfred Butler an American citizen and at present employed as a teacher in the Banko at Yedo. Mr. Butler complains that his servant a Japanese named Korada has been arrested by the Japanese Authorities without his consent or the authority of any American officials he also states that the boy was arrested upon no direct charge but was simply requested by the Japanese Authorities

authorities to go to their office merely
to make a statement about an
affray which had occured a
few days previous and of which
he had been a witness that upon
allowing him to go he was promised
by the authorities of the Bank that
the boy should be allowed to return
and he has since been informed
that the boy has been treated very
badly, beaten, half
starved, and shut up in a close
room with several others.
Mr. Butler has made frequent
time to time efforts to have the
boy released but failing in that
he has endeavored to obtain
redress through the American
Consulate at this port. But this
attempt

attempt- also failing the case has been referred to me and I will thank you to have the necessary steps taken to obtain the release of the boy or inform me as to the cause of his detention as I consider the action of the authorities a gross violation of the right and privileges of an American citizen

Hoping you will give this your early attention, I remain Sir

Your obdt Servant-

C E De Long

Copy of Translation

Recd 2d Augt

Foreign Office Yokei

7th 8th month 6th year Meiji

Your Excellency

I acknowledge the receipt of your note under date of July 5th 1873 addressed to Mr Moriyama Kagenori Assistant Minister for Foreign affairs

It states the complaint to you by Mr. Parker in relation to the treatment by the judicial Department of Yokei of Harada a subject of Japan.

I have to remark in the first place that this Government owes no explanation whatever to any foreign power of its domestic administration. The circumstance that the Japanese subject was in the employment of a foreigner does not exempt him in the least from the control for all purposes of

of civil or criminal justice of his own government.

The Article 15th of the treaty with the Austro Hungarian Monarchy the latest of the treaties expressly reserves the jurisdiction of Japan. This was necessary as in my opinion such was of the other treaties were the jurisdiction and no such waiver can be implied from any principle of International law. The United States of America do not from sanctioning the claim by private citizens for any pretended extra-territoriality for persons in their employment have forbidden it to their diplomatic and Consular officers. I am led to believe that the archives of your Legation contain extracts from instructions on this subject addressed as follows. "

Mr

Mr. Marcy to Consul General in Egypt
Dec 28th 1855 Mr. Seward to Consul
at Bankok Siam Dec 27th 1867
Instruction No 108 Sept. 18th 1871
Secondly if Mr. Miller suffered
any incidental injury from the
detention of his Japanese domestic as
a witness in a criminal examination
he should have sought his remedy in
the tribunals of this Empire, until
he has done so and such has been
denied him in a case admitting
of no reasonable doubt his alleged
grievance cannot become subject of
diplomatic discussion. I have to add
that the information furnished by the
judicial authorities of Tokei is to
the effect that Mr Miller was guilty
of an unwarrantable assault and
battery

battery upon two Japanese subjects of which Harada was a witness and in which he was in some degree a participant; also that Mr. Wood who accompanied Mr Miller was guilty of very grave offences in firing a pistol loaded with ball once in a public street and once in the grounds of the Banko Harada has been detained in the expectation that his testimony would be important when Messrs Miller and Wood would be put upon trial for their offences. It would appear however that no formal complaint has been made in behalf of this Government to the American Consul. With a view to terminate the affair directly will be given to make such complaint

To H E.
C E Pedoing.
A E & M P of USA
in Japan

With respect & consideration
Sagoshima Takeaki
H I J M's Minister for F A

Copy

No 61. H.B.M. Legation Japan
Yokohama Aug. 8th 1873

H.E.
Sayeshima Tanomi
H.I.J.M. Minister for F.A.

Your Excellency

Acknowledging the receipt of your reply relative to the arrest and detention of the servant of Alfred Mullin Esq. I have to say, that I am somewhat surprised at the receipt of your communication which is merely an argument in support of a proposition which I have never questioned namely that the jurisdiction of your Government is complete over your own subjects in this Empire whether ~~whether~~ they are

are in foreign employment or not.
What I claim is that the japanese
officials cannot make arrests in
the dwellings or on the premises of
American citizens resident here
without first making the aid of
the American Authorities. This rule
of law I believe has never been
questioned heretofore by your
Government. In this case of
Peebles Jan authorities did indirectly
what they knew they could not do
directly. Viz they went to the house
and requested him to allow his
boy to accompany them a short
distance for a brief period and for a
specific purpose agreeing that
and restore the servant to his
master after obtaining the servant

by

by this artifici he was put under
arrest and has been detained
for now over one month and
his return has been refused both
to his master and to the American
Consul and in your reply you
now inform me that he is kept
in restraint to appear as a witness
against his master thus admitting
this to be an arrest. I know that
your Excellency will agree with
me that that which cannot
be done directly it is equally
unlawful to do indirectly.

This being the only point I
have sought to maintain I
beg to suggest that the "instruction"
you refer to has no relevancy
in this argument. If as you
con-

court- Mr Miller has committed any offence against your laws your authorities have only to lodge a complaint with the American Consul whereupon he will be promptly arrested and tried: if the evidence of this servant be required on that occasion your authorities upon notice to the Consul to that effect can have him at once produced or obtain the permission to summon him themselves. I feel convinced that Your Excellency upon perusal of this reply will at once admit that this is a case peculiarly within the scope of Diplomatic intervention and not one calling for judicial interposition and

that

that your dispatch addressed to me proceeded from a misconception of the claim I made and the grounds upon which I based it. With this explanation I hope Your Excellency will not hesitate to restore the servant to his master at once

I have the honor to remain
Your Excellency's obt servt.
R E Gadsden

Copy

Dec 29th.

No 5 Meiji 6th year 8th mo
28th (28th August)

With reference to the detention
by the Tokio Court of adjucation
of Harad Kinojura servant
of Jour citizen Mr Miller
for the purpose of making
certain investigations; his case
was settled on the 12th inst and
the accompanying statement
of the same has been returned
to this Dept.

The aforesaid person has been
returned to the Board of Education
which fact you will please
make known to your Minister.

Rated with respect

Secretaries of the Foreign Office

To the Secretary of the
United States Legation

Copy of Translation of Enclosure

The case of Harada Kinjuro servant to Mr. Alfred Miller an American citizen employed at the Kaisei College was settled on the 12th inst: as per the enclosed paper which is forwarded for your information

Aug 27th 1873

Court of Adjudication
à Yokei

To the Foreign Office

Copy of Sub Enclosure

Ds Horad Hasegawa

from the district of Hikami

in the country of Higin

2nd child of Jasagawa a

merchant in Goran street at

Nagasaki. Now Employed by

Wm Alfred Miller American

and employed as teacher in Kaisei

College

You are reprimanded for having

on a certain evening informed your

employer that Ds Kagiro a fellow

servant (who had called upon you to

borrow money) had threatened you

with a knife which you had mistaken

the handle of a lantern in his possession for.

Thereby causing your employer to beat said

Kagiro and discharge upon at Imi.

August 12th 1873

C E Delong

Minister

No 468

16 Enclosures

Dated Sept 12th 1873

Proceedings to obtain
the release of the servant
of an American resident

No special acknowledgment of
the De Longs No. 426 herein referred
to, has been made. The report of
Mr. O'Connor on that deed is
herewith resubmitted.

13th Oct. file the papers & notify
Mr Heywood to call attention
to the subject when Mr Doheny presents
his accounts

Asst
Dis

Mr Reed

Legation Japan
September 2d 1873.

No 469

Hon

E E De Long

Minister



Advising of having drawn drafts upon Department of State for the sum of $701.72 (Gold Coin) to pay rent due on Bluff Lot No 27. in Yokohama

Enclosures filed in
Bur of Accounts

No 469 Legation of the United States

Japan Sept 2nd 1873.

Sir:

I have the honor to advise you that the local authorities at this port having wanted the length of time which I requested them to in order to enable me to obtain an instruction from you in answer to my dispatch No 426 of the 17th of June last; relative to the payment of the ground rents due upon Bluff Lot No 27 in this City called upon me and again requested the money.

I could not with propriety request them to defer their demand any longer and I told them that I would pay the amount due the 1st of June last.

Hon Hamilton Fish
Secretary of State
Washington DC.

Very

they thereupon presented me with a
1/46 receipt therefor. (Enclosure No 1)
Having by Mr Benson (the Municipal
Director) first addressed me a
private note upon the subject
2/46 (Enclosure No 2)

I then drew bills for £62.10.00 (Mexican)
I addressed a note to Messrs Baker Hall
3/46 & Co (Enclosure No 3) enquiring of them
the rate of exchange; and am imply
obtained this Statement. (Enclosure
4/46 No 4) -

I disliked very much to draw upon
you for this money before receiving your
direct instruction so to do, but considering
that you authorized me to embody this
item in the bill which I drafted for
the appropriation; considering also
that the appropriation asked for had

been

ben made by Congress and also in
consideration of the fact that in my
No 42 b. I had asked instructions upon
the subject, the receipt of which dispatch
had been acknowledged in your No
20 b. of the 22nd of July last, I felt
warranted in proceeding. and I therefore
draw a draft upon you at fifteen
days sight in gold Coin for the sum
of ($701 72/100) Seven Hundred and one
72/100 Dollars in favor of Messrs Walsh
Hall & Co. which I negotiated for the
sum of ($662.50) (Mexican) and paid
the costs. — You will observe that
an item of five dollars for a New Deed
is included, this amount it is
proper for me to defray and I will
charge myself with that sum in
my quarterly account at the end
of

of this month.

Trusting to your kind approval. I
have the honor to remain

Sir

Your Most obedient Servant

C & De Long

List of Enclosures.

No 1 Receipt for mdt.

No 2. Statement of account

No 3. Enquiry about rate of Exchange

No 4. Reply of Messrs Walsh Hall & Co

Inv

Foreign Relations

Copied

Allegation Japan.

Sept 8th 1873

No 420

Sir

E. E. D. Long

Minister

RECEIVED
OCT
8
1873
DEPARTMENT OF STATE

RECEIVED OCT 8 1873

Contents.

Forwarding Copy of Treaty concluded between Japan and Peru.

No. 470 Legation Japan

September 2nd 1873.

Sir:

I have the honor to forward to you herewith a printed copy of the Treaty concluded between Japan and Peru which was handed to me unofficially by the Peruvian Envoy. (Enclosure No 1)

I remain

Sir

Your obedient Servant

C E De Long

Hon.

Hamilton Fish

Secretary of State

Washington DC

1/470

PRELIMINARY TREATY

OF

PEACE, FRIENDSHIP, COMMERCE AND NAVIGATION,

BETWEEN

PERU AND JAPAN.

HIS EXCELLENCY THE PRESIDENT OF THE REPUBLIC OF PERU *and* HIS MAJESTY THE EMPEROR OF JAPAN, *desiring to establish on firm and lasting foundations, the relations of Peace and Friendship now happily existing between the two countries, and to facilitate the Commercial Intercourse between their respective Citizens and Subjects, have resolved, with this important object, to conclude a Treaty, and have therefore named as their Plenipotentiaries, that is to say:—*

His Excellency the President of Peru, AURELIO GARCIA-Y-GARCIA, *a Post Captain in the Peruvian Navy, and Envoy Extraordinary and Minister Plenipotentiary of that Republic for the Empires of Japan and China; and*

His Majesty the Emperor of Japan, SOYESHIMA TANE-OMI, *His Imperial Majesty's Minister for Foreign Affairs;*

Who, after having communicated to each other their respective full powers, and found them to be in due and proper form;—and whereas, in the present year the revision of all the Treaties of Japan is to commence, and the Japanese Government is desirous to establish with that of Peru the same relations which it maintains with those of other States, thus securing in an efficient manner the interests of both nations until the said revision takes place,—have agreed to conclude and sign a preliminary Treaty of Peace, Friendship, Commerce and Navigation, and stipulated the following articles:—

I.

There shall be perpetual Peace and Friendship between the Republic of Peru and His Majesty the Emperor of Japan, his Heirs and Successors, and between their respective citizens and subjects, who shall reciprocally enjoy in the territories of the High Contracting Parties full and perfect protection for their persons and property.

II.

His Excellency the President of Peru may appoint a Diplomatic Agent to reside at the Capital of the Empire, a Consul-General, and Consuls or Consular Agents, to reside at any or all the ports and cities of Japan which are now or may hereafter be opened to foreign commerce. All of these Officers shall enjoy in Japan the same rights, powers, and privileges as those of the most favoured nation. The Diplomatic Agent of Peru, as well as the Consul-General, shall have the right to travel freely in any part of the Japanese Empire.

His Majesty the Emperor of Japan may appoint a Diplomatic Agent to reside at Lima, a Consul-General, and Consuls or Consular Agents at any port or town of Peru, where Consular Officers of any other power are admitted to reside. All of these officers shall enjoy the same rights and privileges as those of the most favoured nation, and shall have the right to travel freely in any part of Peru.

III.

All the ports and towns of Japan which are now or may hereafter be opened to the subjects, citizens, or trade of any foreign nation shall, from the day on which this Treaty comes into operation, be opened to the citizens of Peru, and to their Trade. Peruvian citizens may reside in those places, visit the ports with their ships, and trade in them, enjoying the same rights and privileges as those of the most favoured nation.

Japanese subjects may reside in any part of the Republic of Peru, may visit with their ships all the ports opened to foreign commerce, and trade in them, enjoying the same rights and privileges which in Peru are granted to the citizens or subjects of the most favoured nation.

IV.

If any Peruvian vessel be wrecked or stranded on the Coasts of Japan, or be compelled to take refuge in any of the ports of its territory, the competent Japanese authorities, on being apprized of the fact, shall immediately render to the vessel all the assistance in their power. The persons on board shall receive friendly treatment, and be furnished, if necessary, with the means of conveyance to the nearest Peruvian Consulate.

The same assistance shall be rendered by the Maritime Authorities of Peru to Japanese Vessels that may be wrecked or stranded on the coasts of the Republic.

V.

The Export and Import Duties which are now in force in the open ports of Japan for the regulation of foreign commerce, shall be applicable in the said ports of Japan to the commerce to or from Peru.

No other or higher duties shall be imposed in the ports of Peru on the commerce to or from Japan, than those which are or may be imposed in Peru on the commerce to or from the most favoured nation.

VI.

It is hereby expressly stipulated that the Government, Public Officers, and Citizens of the Republic of Peru shall, from the day on which this Treaty comes into operation, participate in all privileges, rights, immunities, jurisdiction, and advantages of every kind which have been granted, or may hereafter be granted, by his Majesty the Emperor of Japan to the Government, Public Officers, Citizens or Subjects of any other nation.

In like manner, the Government, Public Officers, and Subjects of the Empire of Japan shall enjoy in Peru all the rights, privileges, immunities and advantages of every kind which in Peru are enjoyed by the Government, Public Officers, Citizens or Subjects of the most favoured nation.

VII.

No restrictions shall be placed by either Government upon the employment of their respective Citizens or Subjects reciprocally, in any lawful capacity. They may go freely from the one country to the other, fulfilling the conditions required by the laws of their respective nations.

2758

VIII.

When the Revision of the Treaties of Japan takes place, the Republic of Peru and the Empire of Japan shall conclude a Treaty of Amity, Commerce, and Navigation, and the present preliminary one shall then cease.

IX.

The present Treaty is written and signed in nine copies, viz., three in Spanish, three in Japanese, and three in English. All these versions have the same meaning and intention; but in case of dispute, the English text shall be considered as the original and decisive one.

X.

The present Treaty shall be ratified by His Excellency the President of the Republic of Peru, after being approved by the Peruvian Congress, and by His Majesty the Emperor of Japan, and the ratifications shall be exchanged at Tokei, (Yedo), as soon as possible.

It is also agreed that this Treaty shall come into operation from the present date.

In token whereof, the respective Plenipotentiaries have signed and sealed this Treaty.

Done at Tokei, (Yedo), this Twenty-first day of the month of August, in the year of the Lord One Thousand Eight Hundred and Seventy-three, corresponding to the Japanese date the Twenty-first day of the Eighth Month, Sixth Year of Meiji.

(Signed), AURELIO GARCIA-Y-GARCIA. L. S.

(Signed), SOYESHIMA TANE-OMI. L. S.

PRELIMINARY TREATY

OF

PEACE, FRIENDSHIP, COMMERCE AND

NAVIGATION,

BETWEEN

PERU AND JAPAN.

SIGNED: TOKEI (YEDO), AUGUST 21, 1873

Miguel escalosene
dead to the Powder
with Foreign Relations.

C. E. Delano
Minister

No 470

Dated Sept 2nd 1873

Forwarding copy of
Treaty between Japan
and Peru.

Mr Seitz

Archive

Archive 11-oct

Dr Reed

Legation Japan

Sept 2nd 1873.

No 471

Sir

I have

the honor

to Inclose

herewith

Copies

of Despatches

from

Kanagawa

and Kobe

Consulates

for

the month

of August

1873.



Contents.

Forwarding Tea Reports from

Kanagawa and Kobe Consulates.

No 471 Legation Japan

Sept 2nd 1873

Sir:

I have the honor to forward to you herewith printed copy of Market-Report for the Port of Hiogo received by me from Consul Simon (Enclosure No 1) 1/471
also copy of a dispatch informing me of prices of Teas at Kanagawa from Consul Shepard received on the 22nd of last month after the closing of the Home Mail that day. (Enclosure No 2) 2/471

Mr Shepard's reports upon this subject having been uniformly delivered to me too late for the Mail of that period I addressed him a note (Enclosure No 3) advising him of these recommends and instructing 3/471

Hon Hamilton Fish Secretary of State Washington DC

him

Hiogo and Osaka Prices Current and Market Report.

Published under the direction of the Hiogo and Osaka General Chamber of Commerce.

No. 59. HIOGO-OSAKA, AUGUST 18TH, 1873.

The Pacific Mail steamer, with dates from New York to the 8th July, and the English Mail of the 20th June, arrived on the 11th instant. Latest dates from Yokohama are to the 9th instant, from Nagasaki to the 15th instant and from Shanghai to the 12th instant. Telegrams from London extend to the 14th instant.

The Import Market has been exceedingly dull and quiet.

Tea: Business very much restricted.

Exchange: Sterling, 1¼d. lower; Local Currency, steady.

IMPORTS.

The change for the better noticed last month has not been followed up, and prices generally close rather lower and weaker than before.

COTTONS.—BLACK VELVETS were somewhat higher in the early part of the month, and in demand for quantities, apparently on speculation, for while the amount of sales has not been in comparison to what appeared to be required, prices have relapsed, and are now quoted lower than before. The only other article which shows an improvement is BLACK SATEENS, though offers remain behind the expectations of holders.

WOOLLENS.—There is a better enquiry for Black Goods, such as BLACK LASTINGS, BLACK CLOTH, UNION CLOTH and PILOTS; as for PRESIDENTS, they are lower, though the quotation, which is meant for a better class of goods than heretofore, would appear to be higher. BLACK ORLEANS are lower. THIBETS must be quoted higher, with a better feeling, though transactions seem to be restricted. MOUSSELINES generally have fallen off. Attention is drawn to an extra quotation for "Plain" in the body of the Report. This advance is owing to shades, as well as to a slight difference in the make of the stuff. In future such quotations will be given in the proper place.

As for the rest of Imports, they do not offer any feature of special interest for the present.

EXPORTS.

TEA.—

Since the date of last Report, business has continued on the same limited scale, and the native dealers are gradually giving way to buyers. Settlements amount to only 3,000 piculs for the month. Stocks are daily being replenished, and are fully 5,000 piculs. Present steamer takes forward 180 tons. The *Mercury* sailed on the 20th July, with 213,108 lbs. for New York.

MISCELLANEOUS.—

COPPER.—But few transactions are reported, and prices remain firm. Settlements, 150 piculs.

BRONZE.—Purchases comprise only 50 piculs, and quotations are unaltered.

TOBACCO.—Supplies are coming in freely, but the leaf is scarcely yet in condition for shipment, and holders are asking much higher rates than the majority of buyers are prepared to give. Business is consequently small, and only 730 piculs are reported as settled.

WAX.—Nothing doing, and prices may be considered slightly easier.

CAMPHOR.—Rates are unaltered, and settlements reported at 120 piculs.

EXCHANGE AND BULLION.

ON LONDON.—In sympathy with the fall in China and Yokohama, and in consequence of the inactivity in the Export Market, Sterling rates have still further declined, and close as follows:—Bank Drafts, at 6 months' sight, 4s. 5d., nominal; A1 Credits, at 6 months' sight, 4s. 5¼d.; nominal.

ON YOKOHAMA.—Bank Drafts, on demand, are quoted at par, and Private Paper, at 10 days' sight, ½ per cent. discount, firm.

ON SHANGHAI.—The rate for demand Bank Drafts is 74½ *a* 74¾, and for Private Paper, at 10 days' sight, 75¼.

LOCAL CURRENCY.—Gold Yen are quoted at 2½ per cent. discount.

Copy

No 261. U.S. Consulate

Hanagawa Augst 11th 1873

Hon C.C. De Long.

U.S. Minister

Sir

I have the honor to report the following as the current prices of Teas at this port during the past Month

Medium 25 @ 28 per pound

Good do 30 " 33 " "

Fine. " 35 " 38 " "

Finest " 40 " 44 " "

Choice " 45 and upwards.

I have the honor &c to be

Your obdt Servant

C O Shepard

Consul.

Ofy

No 190 U.S. Legation Japan

August 22nd 1873

Sir

Your No 261 of this date stating current prices of teas for this month is just at hand

The mail having just closed it is of course impossible for me to furnish the information I desire to the Secretary of State until the next mail sails

Do you have for some time past followed this same system of making these reports to me just too late for me to forward them by the mail of that date I am of course constrained to believe this action intentional. You are instructed hereafter to forward such

Reports

report at least one day before the sailing of the mail for San Francisco

I am Sir
Your obedt. Servt.
C C Jackson
Hon. O. Shepherd Esq
U.S. Consul
Kanagawa Japan

Mr. Reed

Ackd 15 Oct

Legation Japan

Sept 2nd 1873

No 472

Sir

I have

the honor

to transmit

herewith

DEPARTMENT OF STATE
RECEIVED
OCT
8
1873

Contents.

Acknowledging the receipt of instructions.

No 422 Legation Yokohama

Japan Sept 2d 1873

Sir

I have the honor to acknowledge the receipt of your instructions Nos 200, 201, 202, 203, 204, 205, 206 and 207, and to inform you that I have done as therein directed.

I am Sir

Your obedient Servant

C. E. DeLong

Hon Hamilton Fish

Secretary of State

Washington DC

U. S. Delegation Japan

C. E. Dickens
Minister.

No 472

Dated. Sept. 2nd 1873

Acknowledging receipt
of instructions

Mr. Rice

Ans Oct

Ad Lib 15 Oct

Legation Japan

Sept 2nd 1873

No 413

Sir:

I have the honor to transmit herewith a copy of a letter addressed to me by Mr. Mariano Yrissari, Minister of Peru to Japan, with its enclosures, relative to the case of the Peruvian ship "Maria Luz" which was detained in a Japanese port in July 1872 on account of the Chinese coolies on board.

RECEIVED
OCT
8
1873
DEPARTMENT OF STATE

I have the honor to be, Sir, your obedient servant,

Chas. E. De Long

U.S. Minister

Enclosures.

Concerning "Notice to Mariners"

No 473 Legation Japan

Sept 2nd 1873

Sir

I have the honor to inform you that on yesterday I received from the Japanese Government a printed copies of "Notice to Mariners" relative to the establishment of a fixed Red Light at Shiraishi Light-House (Enclosure No 1) — Copies of which I at once transmitted to all our Consular officers in this Empire

I am Sir

Your obdt Servt

C E De Long

Hon

Hamilton Fish

Secretary of State

Washington D C

C. E. Dodge.

Monmouth

No 473

Dated Sept 2nd 1879

Forwarding "Notice to Mariners"

NOTICE TO MARINERS.

SHIRASU LIGHTHOUSE.

The Government of Japan hereby gives Notice, that a fixed Red Light of the 5th Order will be shewn from SHIRASU Lighthouse on the night of the 1st day of the 9th month of the 6th year of Meiji, (1st September 1873) and every night thereafter from Sunset to Sunrise.

The temporary light shewn since the 11th month of the 5th year of Meiji, (December 1872,) will be from the above date discontinued.

The following is a specification of the position of the Lighthouse and appearance of the Light.

SATOW YOZO,
Todai no Kami.

Public Works Department,
Section of Lighthouses,
Benten, Yokohama,
12th day of the 8th month, of the 6th year of Meiji,
(12th August, 1873.)

Shirasu Lighthouse is situated on the Southern end of Shirasu a low reef lying about a mile and a half to the South Westward of Aino-sima in the province of Buzen, at the Western entrance of Simonoseki Straits. It is in 33 degrees 59 minutes 30 seconds North Latitude, and is 130 degrees 48 minutes 24 seconds East of Greenwich.

The Lighthouse is a square wooden Tower, painted White, and is of a height of 42 feet to the centre of the lantern.

The Light will be a fixed Red light of the 5th order, and will illuminate the whole horizon.

The total elevation of the light above the sea will be 42 feet, and its range of Visibility from a vessel's deck will be 10 Nautical miles.

R. HENRY BRUNTON,
Engineer.